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ENVIRONMENTAL MANAGEMENT IN THE MALIBU WATERSHED: INSTITUTIONAL FRAMEWORK

W. David Conn

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This report examines the institutional framework for environmental management in the Malibu Watershed area, Los Angeles County, California. On the basis that the nature and scale of permitted development is likely to be the major factor shaping the future environment of the study area, an attempt is made to identify and assess the roles of both those agencies that play a positive role in promoting development and those that constrain and regulate development.

Following a brief description of the study area, the report examines the roles of particular government agencies in planning and decision-making processes affecting different "elements" of the environment (e.g., land-use, coastal resources, air quality, etc.). It then approaches the subject from a different perspective, studying the involvement of a number of institutions in particular projects or sets of projects (e.g., the installation of sewage treatment facilities, the construction of a private university, etc.).

The information presented is discussed, and conclusions are drawn about current institutional roles in environmental management. Several problems are pointed out, and tentative recommendations are made for possible solutions worthy of further study.

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INSTITUTIONAL FRAMEWORK

by

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This report examines the institutional framework for environmental management in the Malibu Watershed area, Los Angeles County, California. On the basis that the nature and scale of permitted development is likely to be the major factor shaping the future environment of the study area, an attempt is made to identify and assess the roles of both those agencies that play a positive role in promoting development and those that constrain and regulate development.

Following a brief description of the study area, the report examines the roles of particular government agencies in planning and decision-making processes affecting different "elements" of the environment (e.g., land-use, coastal resources, air quality, etc.). It then approaches the subject from a different perspective, studying the involvement of a number of institutions in particular projects or sets of projects (e.g., the installation of sewage treatment facilities, the construction of a private university, etc.).

The information presented is discussed, and conclusions are drawn about current institutional roles in environmental management. Several problems are pointed out, and tentative recommendations are made for possible solutions worthy of further study.

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SECTION I

CONCLUSIONS AND RECOMMENDATIONS

I.1 CONCLUSIONS

The study confirms that, at least in the Malibu Watershed area, a wide variety of government institutions are instrumental, either directly or indirectly, in determining the nature and scale of development and the attendant impacts on the environment.

Although constraints on local actions are increasingly being applied by special-purpose agencies concerned with particular elements of the environment (such as air and water quality), the Board of Supervisors and the Regional Planning Commission retain the broadest discretionary powers to guide development; the General Plan, specific zoning designations, and all public development projects (e.g. roads, flood control measures, etc.) are subject to approval by the Board of Supervisors, who also appoint the Planning Commissioners. The Coastal Commissions have significant discretionary powers too, but their jurisdiction is limited to a small (though important) geographical area. The availability of services such as water supply and sewage treatment can be an important factor in promoting or constraining development; however, these services are allegedly provided solely in response to perceived "need", the latter being determined in large part by the pattern of development permitted by the General Plan and zoning map which the Board of Supervisors have adopted.

There are several problems with environmental management as currently practiced in the study area. These include (i) the fact that policy-makers at the local level are inadequately responsive to the public; (ii) the fact that local agencies responsible for administering regulations

governing sanitation, fire protection, etc., are poorly coordinated and do not always know each other's requirements; (iii) the fact that no mechanism exists for ensuring adequate coordination between the various special-purpose plans currently being prepared, and in particular for resolving tradeoffs between conflicting objectives and policies; and (iv) the fact that delays in the preparation of plans and the implementation of new controls give time for actions to be taken now that might considerably reduce the effectiveness of those plans and controls in the future.

I.2 RECOMMENDATIONS

It is beyond the scope of this study to explore specific solutions to these problems. However, it is tentatively recommended that consideration be given to the following possibilities: (i) The various single-purpose agencies concerned with different elements of the environment might be brought under the aegis of a single umbrella institution organized at the state level; this would take over the role of comprehensive planning and generally coordinate each agency's activities. The new institution might be modeled in some respects after the existing Coastal Zone Conservation Commission: plans for each region would be prepared by regional offices (possibly existing regional governments such as SCAG could fulfill this role), and these plans would subsequently be incorporated into a statewide plan for adoption by the Legislature. Appropriate provision would have to be made for ensuring citizen input into the planning process.

The proposed institution could possibly be given permit power over most new development, equivalent to that currently possessed by the Coastal Commission; this would give the organization real teeth and might make its planning more effective. However, the political ramifications of bringing about such a major shift of power are obviously tremendous, and it may not be considered feasible at the present time.

(ii) In view of the fact that the Santa Monica Mountains can be claimed to have special environmental significance (if only because they occupy the last large undeveloped area contiguous to the shoreline within the greater Los Angeles metropolitan region), a special agency might be established for their protection. In the 1973/74 session of the California Legislature, a bill (A.B. 1254) was introduced to create a Ventura-Los Angeles Mountain and Coastal Commission; this would be responsible for developing a plan and implementation program for development of the mountains and adjacent coastal zone. To ensure implementation of the plan, all development (with prescribed exceptions) would be subject to permit approval from the Commission.

The findings of this report lend strength to the case for establishing the Commission* as soon as possible.

(iii) As long as the Board of Supervisors and Regional Planning Commission retain the major controlling power over development, there is a need for reforms at the local level to provide the checks and balances that are currently lacking. Long-awaited action on proposals to increase the number of Supervisors and to appoint a Chief Executive should improve the situation. A new method of appointing Planning Commissioners might be sought which would increase their accountability to the public.

The rules governing the procedures used by the Board and the Commission in adopting plans and processing applications for zone changes, variances, etc., might bear alteration to ensure that appropriate consideration is given to environmental factors, and to increase the opportunities

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* The Legislature failed to act on A.B. 1254 before the end of the session. A new bill (A.B. 163) has now been introduced which is similar in most respects to the old bill, except that the new institution would be called the Santa Monica Mountains Comprehensive Planning Commission.

for citizen input into the planning process. Citizens' Advisory Committees might be given a more effective role in decision-making.

SECTION II

INTRODUCTION

In the past few years, with increasing public interest in environmental concerns, new laws and regulations have been enacted at all levels of government in an attempt to solve existing environmental problems and to avoid or mitigate potential problems in the future. New institutions have been created, and the powers of existing ones have been changed.

The present report investigates where this process has led so far by examining the institutional framework for environmental management in the Watershed of the Malibu Creek, Los Angeles County, California. Although this particular geographical area is used as a model, most of the findings will undoubtedly have significance for the remainder of the county, and many for the rest of the state.

On the assumption that the nature and scale of permitted development is the major factor shaping the future environment of the Malibu Watershed, the study set out to identify and assess the roles of both those agencies whose activities tend to promote development and those that constrain and regulate development. It has been pointed out* that environmental effects may be second-or-third-order consequences of those activities which might be perceived as promotion or regulation; however, this does not absolve the agencies concerned of the responsibility to consider them. Indeed, legislation increasingly requires that higher order consequences of development be taken into account at an early stage in the decision-making process.

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* By an anonymous reviewer of the project proposal.

The report proceeds by giving a brief description of the study area (section III) and then examining the role of particular governmental agencies in planning and decision-making processes affecting different "elements" of the environment, e.g. land-use, coastal resources, air quality, etc. (section IV). The subject is next approached from a different perspective, by examining the involvement of a number of institutions in particular projects or sets of projects, e.g. the installation of sewage treatment facilities, the construction of a private college, etc. (section V). Based on the information presented, a discussion follows which reviews the major institutional processes involved in environmental management, with mention of some of the current problems (section VI). Conclusions and recommendations are given earlier in the report.

One problem with a study of this kind, which looks at current processes, is that the information collected can rapidly become obsolete as new events take place. With the very limited resources available for the project, it has not been possible to continuously up-date the data (most of which are, however, valid at least until July 1974). Furthermore, this same limitation on resources has meant that much reliance has necessarily been placed on secondary sources, albeit those thought most likely to be accurate.

SECTION III

DESCRIPTION OF THE STUDY AREA

The Malibu watershed covers an area of approximately 110 square miles in the southwestern corner of Los Angeles County and the southeastern corner of Ventura County (see maps, figures 1 and 2). Malibu Creek and its tributaries drain a large interior basin comprised of the Simi Hills to the north, the valley low-lands of the Ventura Freeway Corridor and, to the south, the northern slopes of the Santa Monica Mountains. The creek discharges into Santa Monica Bay through a rugged gorge cutting through the highest part of the Santa Monica range. Except for the low passes at each end of the Ventura Freeway corridor, the watershed is separated from the rest of the populous areas of Southern California by rugged mountain ridges (1).

The land occupied by the Coastal Malibu community overlaps only slightly with the watershed; the area of overlap consists of a small coastal plain and alluvial delta. A portion of the delta is publicly owned (the Malibu Lagoon State Beach) and the State Department of Parks and Recreation expects to expand this park with funds approved in a recent bond issue (June 1974).

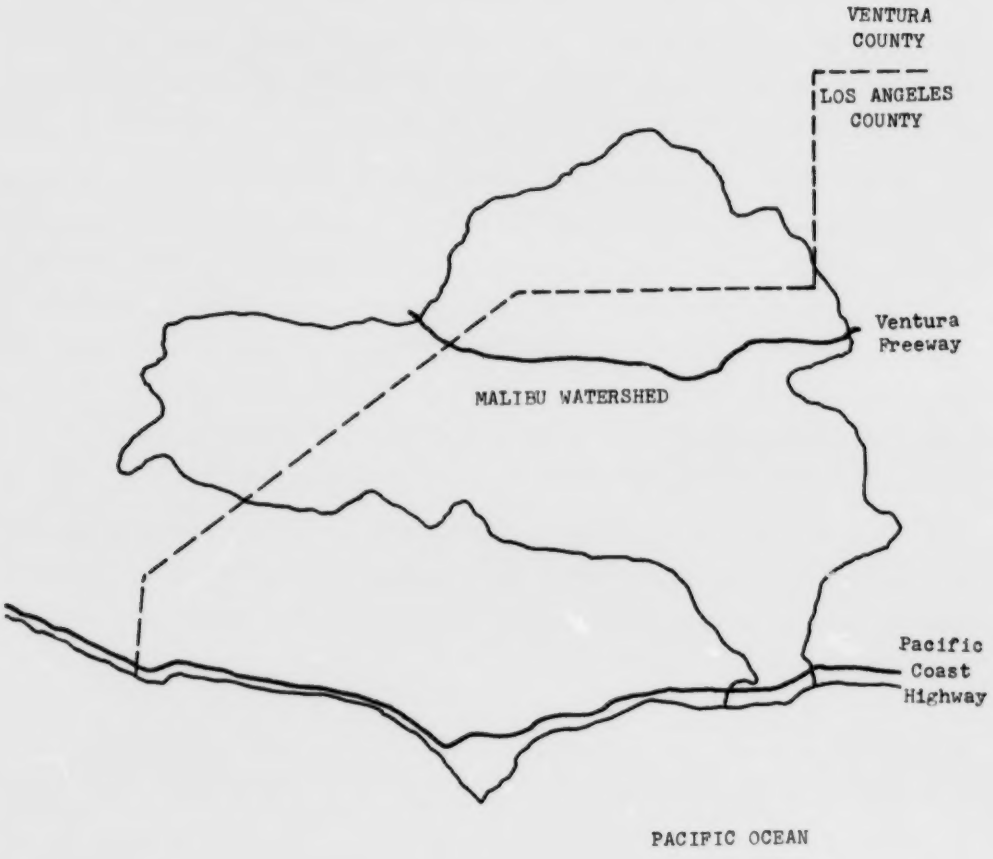
Malibu Creek is crossed by Pacific Coast Highway just north of the lagoon. County administrative offices and commercial facilities are located in the coastal area, the remainder of the plain being in low density residential use with very high land values per acre. The terraces have some intense development: Pepperdine University is completing the first phase of construction of their new Malibu campus; Hughes Research Center and the Serra Retreat are located on the lower slopes on either side of the canyon.

Figure 1

Location of the Study Area in the State

Figure 2

Local Map of Study Area



Both the Simi Hills and the Santa Monica Mountains are characterized by large areas of open space and dispersed low density residential development, with a few areas of medium density development in the mountain basins. Steep slopes and unstable soil conditions have thus far preluded development in large areas of the Santa Monica Mountains and the Calabasas-Las Virgenes Hills. Recreational use of the mountainous areas is favored by federal, state, and county parks departments and by many residents' groups. The Los Angeles County Parks Department currently operates Tapia Park adjacent to Malibu Creek and plans development of Calabasas Park north of the Ventura Freeway. In January 1974, the state acquired the 2,600 acre Century Ranch, located 4 miles inland on either side of Malibu Creek, at cost of $5.8 million. The park will be developed for a variety of recreational uses with funds authorized by the passage of the June 1974 bond issue, $1 million of which was specified for the Century Ranch.

The inland basin, traversed by the Ventura Freeway corridor, has experienced considerable development since the completion of the freeway in 1965. Suburban development of the valley is spreading into the surrounding low hills and canyons. The highest densities of development in the hills occur around artificial bodies of water created for recreational use. In Westlake Village, for example, construction began in 1966 and there are now some 4000 dwelling units on 12000 acres of land. Current population is about 15000, and is continuing to grow (2).

Even with the recent slowdown in population growth in Los Angeles County as a whole (3) the inland basin area, already provided with freeway access, water, and sewers, can be expected to continue developing at a rapid rate.

REFERENCES

1. Walton, M. Description of the Malibu Creek Watershed. Undated. 25p.

2. Westlake Village Information Center. Personal Communication, July 1974.
3. Zeman, R. L.A. County Population Drops for the First Time in 123 Years. Los Angeles Times. June 1974.

SECTION IV

INSTITUTIONS & PROCESSES INVOLVED IN ENVIRONMENTAL MANAGEMENT

This section starts to explore the institutional framework for environmental management in the Malibu watershed by examining the role of particular government agencies in planning and decision-making processes affecting:

- land use
- coastal resources
- air quality
- water quality
- flooding
- soils
- seismic safety
- wildlife
- recreation
- transportation

In dealing with each "element", the approach taken (whenever appropriate) is to provide a brief, general background before tying the discussion more specifically to the study area. In order to assist the reader in keeping track of the many institutions that are mentioned, a matrix is included (figure 3) which lists the key agencies, indicating some of their functions that are relevant to this study. Brief formal descriptions of each agency are given in Appendix A.

A note on the environmental impact reporting process is included at the end of the section.

IV. 1 LAND USE

The planning and control of land use has traditionally been a function

of local institutions; as will become apparent in this report; however, actions taken at regional, state, and federal levels, commonly by single-purpose agencies, are increasingly having an impact on local decisions.

Land Use Planning

Long term plans for land use are embodied in various elements of the General Plan which (under state law) is prepared by the planning agency (i.e., the Regional Planning Commission - RPC) and adopted by the legislative body (i.e., the Board of Supervisors - BS). The law requires that the plan consist of a statement of development policies and that it include the elements shown in figure 4. Under current guidelines pursuant to the California Environmental Quality Act, an environmental impact report is required for adoption or amendment of the General Plan (1).

In Los Angeles County, the General Plan Policy Review Board (GPRB), which is composed of representatives from county departments and special districts, coordinates the inputs to the General Plan from the various branches of county government. In addition, the BS receive advice on the development of the General Plan from the Los Angeles County Citizens' Planning Council (CPC). This Council was created to satisfy a condition attached to the receipt of federal Housing and Urban Development funds, and it is supposed to represent a broad cross-section of county residents.

History of the General Plan for Los Angeles County - On October 1, 1970 the BS adopted a document entitled the Environmental Development Guide (EDG) as a preliminary General Plan for Los Angeles County. Anticipating a population of 9.2 million in 1990, the EDG designated 173 square miles of land for urban expansion, but set aside extensive areas of open space in the coastal strip, the Santa Monica Mountains, and

Figure 3

Matrix of Key Agencies
(Indicating Relevant Functions)

AGENCIES	Building, Subdivision Administration, Zoning	Air Quality	Water Supply	Wastes and Pollution	Flood Management	Soil Conservation	Seismic Safety	Open Space and Recreation	Transportation
	FUNCTIONS								
Federal									
Dept. of Agriculture (Soil Cons. Serv.)						0			
Dept. of Housing & Urban Development	$				$				
Dept. of the Interior								0	
Dept. of Transportation		0							0 $
Environmental Protection Agency		0*$	0	0*$					
State									
Air Resources Board		0*$							
Coastal Zone Conservation Commission	0*	0*	0*	0*	0*	0*	0*	0*	0*
Dept. of Finance (population proj.)	0	0	0	0	0			0	0
Dept. of Parks & Recreation								0*$#	
Dept. of Transportation		0					*		0*$#
Dept. of Water Resources			0 $#	0	0			0	
Transportation Board			0*	0*$					0
Water Resources Control Board									

Regional									
South Coast Regional Commission	0*	0*	0*	0*	0*	0*	0*	0*	0*
Regional Water Quality Control Board			0*	0*	0				
Southern Calif. Assoc. of Governments	0	0	0	0	0	0	0	0	0
Local - Los Angeles County									
Air Pollution Control District		0*							
Board of Supervisors	*	*	*$	*$	*$	*	*	*$	*$
Dept. of County Engineer	*			* #	0* #	* #	0*		
Dept. of Forester & Fire Warden	*		*			*		*	
Dept. of Health Services	*		*	0*					
Dept. of Parks & Recreation								0*$#	
Flood Control District	*				0*$#	0*			
General Plan Policy Review Board	0	0	0	0	0	0	0	0	0
Regional Planning Commission	0*	0*	0*	0*	0*	0*	0*	0*	0*
Road Department					* #		0* #		0*$#
Sanitation Districts				0* #					
Other Local									
Las Virgenes Municipal Water District			0*$#	0*$#					
Topanga-Las Virgenes Res. Cons. Dist.	0		0	0		0		0	

KEY: 0 = RESEARCH & PLANNING; * = STANDARDS & REGULATIONS; $ = FUNDING; # = CONSTRUCTION

Based on matrix designed by Potomac Planning Task Force, reproduced in Ackerman, E.A. et al., Land-Use Institutions in the Washington-Baltimore Region - A Mirror for Metropolitan America, in McAllister, D.M., (Ed.), Environment: A New Focus for Land-use Planning, National Science Foundation, 1973.

Figure 4

Elements of a General Plan

A General Plan must include the following elements:

- land use
- circulation
- housing
- conservation
- open space
- seismic safety
- noise
- scenic highway
- safety (fires & geologic hazards)

In addition, it may include these elements:

- recreation
- transportation
- transit
- public services and facilities
- public building
- community design
- redevelopment

as well as others that (in the judgment of the planning agency) relate to physical development of the county or city.

Source: California General Statutes Annotated

Antelope Valley. The Plan was not at that time legally binding.

State law (Open Space Land Act and Amendments) required the adoption of an interim open space plan by mid-1972, with a final plan to follow in 1973. In September, 1972, the Center for Law in the Public Interest (CLIPI) filed suit against the BS on the grounds that the County had failed to comply with the requirement to adopt an interim open space plan (and in the hope that the BS would be forced to adopt the EDG for this purpose). The suit resulted in an injunction (Eagelson's injunction) enjoining the County from all regulatory activities in open and rural areas. Regulatory activities included the issuing of building permits, the approval of subdivision tract maps, and zoning changes. The "freeze" took effect on September 22, 1972; however, procedures were developed for individuals to file for exemptions on the basis of hardship. Although the injunction was applicable to large areas of the Santa Monica Mountains, it apparently had little effect on development there because Judge Eagelson ruled to grant exemptions whenever a project was already underway. According to a staff assistant at CLIPI (2), only two permits were denied exemption in the Malibu watershed during the freeze, one a mobile home park in the mountains. Pepperdine University was allowed to build because grading had already begun.

In May, 1973, the BS adopted an interim open space plan and the injunction was lifted. The fact that no environmental impact report (EIR) had been prepared for this interim plan led to the filing of another suit by CLIPI, but the suit became moot when the BS soon afterwards adopted amendments to the EDG as the official General Plan for the County; the latter contained an open space element and was accompanied by an EIR. As well as the open space element, the currently adopted Plan includes land use, housing, transportation, public services and facilities, and conservation elements, while public hearings are yet to

be held on proposed noise, seismic safety, scenic highway, and safety elements.

The BS are once again being challenged in court by CLIPI, this time in a suit alleging (i) that the EIR for the General Plan is inadequate, and (ii) that the Plan itself does not meet certain statutory requirements (3). The suit is still in litigation (at the time of writing).

The amendments contained in the adopted General Plan represent a considerable departure from the EDG. The General Plan designates more than twice as much land for urban expansion as did the EDG (351 square miles compared with 173 square miles), despite a revision downward of the projected 1990 population from 9.2 million to 7.7 million. The overage factor, or excess zoned capacity in relation to projected population, has been estimated approximately at 1500% (4).

Provisions Affecting the Study Area - The General Plan contains several provisions of major significance for the Malibu watershed. It designates large areas of the watershed with slopes of 50% or greater as "Watershed Conservation Areas", permitting a maximum density of one dwelling unit per two acres; however, it states that "with the classification, increased densities may be allowed by compliance with development standards..." (i.e., conditional use permits for cluster development (5). In the EDG, these steeply sloped areas had been designated as open space.

According to the CLIPI Brief (3), the RPC staff undertook two studies of the environmental implications of the General Plan, prior to its adoption (although these did not appear in the EIR). One study indicated that on some 99.25% of the land area designated for urban expansion, there would be "conflicts" with natural resource factors such as prime soils, watershed, significant ecological areas, flood hazards, etc. Furthermore, up to 10% of identified "significant ecological

areas" in the Santa Monica Mountains appear in urban expansion classifications on the Plan's land use maps. The second study showed that on the basis of land suitability criteria used by the RPC itself (e.g., slope, geological stability, access, etc.), some two out of every three acres designated in the General Plan for urban uses are least suitable for urban uses, while there is an almost equal amount of land designated for rural uses which is available and more suitable for urban uses.

Plan Implementation

Zoning regulations provide the principle tool for implementing the provisions of the General Plan relating to land use. State law (AB 1301) now requires that zoning ordinances be consistent with the General Plan and makes it difficult to alter the latter merely as a reflection of changes in zoning. (It may be noted that CLIPI, in its present suit against the BS, contends that the County has adopted a Plan that conforms to existing zoning patterns, rather than bringing existing zoning into conformity with the goals and policies of a coordinated, comprehensive General Plan (3)).

The "checkpoint" at which it is determined whether or not a project represents a permitted use within a given zone comes at the time of application to the County Engineer for a building permit (the separate approval of the RPC is not automatically required for all projects). When a project does not fall in the permitted use category, the building permit is denied unless there is a successful application to the RPC (or, on appeal, to the BS) for a change in zoning. Such an application must be accompanied by an EIR. Certain kinds of projects are permitted only on receipt of a "conditional use permit" from the RPC, in which case the Commission has additional discretion in approving or disapproving the project and in attaching conditions.

IV. 2 COASTAL RESOURCES

Passage of the California Coastal Zone Conservation Act of 1972 (approved as a statewide initiative, Proposition 20) led to the establishment of the State Coastal Zone Conservation Commission (SCZCC) and six Regional Commissions. The purpose of these agencies is to protect the "coastal zone" (which, in Los Angeles, is defined to extend inland from the seaward limits of state jurisdiction to "the highest elevation of the nearest coastal range or five miles from the mean high tide line, whichever is the shorter distance") by means of "a comprehensive, coordinated, enforceable plan for orderly, long-range conservation and management"; in addition, while the plan is being prepared, a permit system is being used to regulate development within a more narrowly defined area, extending inland to 1000 years from the mean high tide line (1).

The Permit System

The South Coast Regional Commission (SCRC) requires that a permit be obtained for "most types of development", except repairs and improvements to existing single-family residences costing $7,500 or less (6). Development is defined in the law to include almost every type of intervention.

The SCRC has had to process a vast number of permits with a small staff, largely in the absence of clear planning guidelines (7). Late in 1973 interim guidelines were adopted but the decisions often require detailed knowledge of impacts and an overall picture of how other parts of the coast are to develop. Without the broader picture, individual projects appear to have small impacts.

In February, 1974, the University of Southern California Sea Grant Advisory Service issued the results of its analysis of SCRC actions on permit applications: this showed that 96% of the applications submitted

in 1973 were approved (8). Generally, the smaller units with less density were approved while large residential projects were more likely to be denied. The Sea Grant analysis indicated that development was most intense in Los Angeles County, Malibu, and Venice. In the Malibu area, of 215 applications, 197 were approved and 9 were denied, adding 398 units to the area (8). According to the Sea Grant Co-ordinator of Marine Advisory Services, Malibu alone accounted for 21.2% of all permit activity in the County. 82% of the development in Malibu was residential (7).

The State Commission has appeal power over the Regional Commissions. In the year and one-half since the State Commission was established, it has interpreted its function somewhat more broadly than the SCRC, using appealed cases as a vehicle for demonstrating the state policy of prefering "land uses that allow for the most people to enjoy the coastal zone" (9). A number of cases from the SCRC have been reversed by the State Commission on appeal; none of the appealed cases, however, have had a direct impact on the study area.

Planning

As part of the preparation of the overall Coastal Zone Plan, the Regional Commissions are required to produce long-range plans for their regions, covering a number of elements specified at the state level.

Preparation of the long-range plan by the SCRC was long-delayed because of the deluge of applications and general disorganization associated with the setting up of a new, independent agency. Planning is now proceeding, however, and conservationists are more pleased with the emerging plans than with the results of the permit function of the Regional Commission. The planners have proposed preservation of much of the undeveloped Malibu coast and inter-agency cooperation in controlling land use around Malibu Lagoon.

IV. 3 AIR QUALITY

The institutional framework for controlling air pollution is three-tiered, involving federal, state and local agencies. These are the federal Environmental Protection Agency (EPA), the state Air Resources Board (ARB), and the county or regional Air Pollution Control Districts (APCDs). Both federal and state air pollution laws are currently in force, the most important being the federal Clean Air Act Amendments of 1970 and California's Mulford-Carrell Air Resources Act of 1967. Each requires (among other things) the establishment of ambient air quality standards; where these differ, the most stringent requirements always apply. The EPA and the ARB, respectively, are ultimately responsible for implementing the federal and state air pollution control programs; however, the former delegates significantly responsibility to the states, and the latter to local agencies.

Within California, the APCDs administer stationary source controls and may set local standards for non-vehicular emissions; however, these cannot be less stringent than statewide standards set by the ARB, and the state agency may take over enforcement when an APCD fails to exert sufficient control. Vehicular emissions are solely the concern of the ARB (1).

The 1970 federal legislation called upon each state to submit for EPA approval an implementation plan describing in detail the controls to be used in meeting the newly established national ambient air quality standards; however, where a state failed to produce an acceptable plan, the EPA was required to develop one of its own.

Development of the California Implementation Plan

Over the past few years while a control strategy has been developed for California, there have been continuous disputes and examples of non-

cooperation between government agencies as well as some manipulation of technical data. The situation has been well described in a recent doctoral thesis (10), and only the key points are summarized here.

The ARB has had the responsibility of coordinating the effort to prepare a state implementation plan. So far its submissions to the EPA have proved unacceptable because they have not included measures that would ensure compliance with the present law within the prescribed deadlines, particularly in "critical air basins" such as the one containing Los Angeles (the South Coast Air Basin - SCAB). Indeed, the ARB believes that this objective is impossible to achieve using controls that are politically and economically acceptable (10). The Los Angeles Air Pollution Control District (LAAPCD), which is the largest and most experienced of the six control districts in the SCAB region, maintains the position that the present ongoing program of extending controls on motor vehicle emissions combined with the existing stationary source controls will be sufficient to meet the national standards by 1980 (11). While the ARB has been uncooperative with the EPA in its efforts to comply with the Clean Air Act, the LAAPCD has made a determined attempt to discredit the federal control programs as unwarranted and unnecessary.

Despite the lack of cooperation, the EPA has proceeded to develop its own control strategy for the Los Angeles region. It is convinced that land use and transportation controls are essential if the standards are to be reached and maintained, and both are included in the "final" regulations that have now been promulgated. These will remain in effect unless the law is changed or a further revision of the ARB plan (currently being prepared) proves acceptable to the EPA. However, both the ARB and the LAAPCD have expressed resentment at the federal imposition of enforcement responsibilities, and the ARB has questioned the legality of this imposition (12).

Impact of Control Measures on the Study Area

Of the new measures currently in force, the ones likely to have the most significant impact on land-use decisions in the study area are the controls on parking facilities and on "indirect sources," i.e. facilities such as highways*, shopping centres, sports stadiums, etc., which tend to generate vehicular traffic and thereby increase atmospheric emissions. Effective July, 1975, proposals for the construction or modification of such facilities will be subject to review to ensure that they will not result in emissions preventing the attainment or maintenance of the federal standards. It is intended that the reviews will ultimately be carried out by designated state or local air pollution control agencies (14), but initially they will be done by the EPA itself. In the event of failure to demonstrate compliance with the standards, a project may be prohibited; however, it is understood that outright rejection would only come after an opportunity has been given to mitigate the adverse effects (15).

There is currently some uncertainty as to whether these controls can be successfully implemented, particularly in view of the difficulty of relating projected emissions to ambient air quality (16). Furthermore, pollution levels in the Los Angeles area are so far in excess of the national standards at the present time that a strict interpretation of the regulations could lead to a ban on almost all new development in the air basin, on the grounds that most new construction is likely to cause some increase in emissions, exacerbating an already intolerable situation.

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* It may be noted that the Federal Aid Highway Act specifically requires that any new federally aided highways must be consistent with applicable implementation plans under the Clean Air Act (13).

Air Quality Inputs into Plans Affecting the Study Area

Agencies that are primarily responsible for air quality are increasingly contributing to the preparation by other agencies of a variety of plans, both comprehensive and special-purpose. Examples include the General Plan, the Coastal Zone Management Plan, and the Regional Water Quality Control Plan.

General Plan (Los Angeles County) - Representatives of the LAAPCD sit on committees preparing elements of the General Plan. The agency has apparently persuaded the Regional Planning Commission to adopt its attitude that the ongoing program of reductions in vehicular emissions will eventually be sufficient to meet federal and state regulations, as the air pollution impact of land use decisions appears to have been virtually ignored in preparing both the Environmental Development Guide and the General Plan.

Asked to comment on the contribution of open space areas to the protection of air quality, an LAAPCD official responded that "open space is desirable in any area since it contributes to lower pollution levels there; however, clean air requirements can be met almost everywhere in the County without specifically designating open space for air pollution control purposes" (17). However, the official specifically mentioned the value of designating small natural basins as open space to prevent serious pollution problems from developing in them; such basins are prevalent in the Santa Monica Mountains, and yet this recommendation is not reflected in the General Plan.

The General Plan gives sparsely populated areas, including parts of the Malibu watershed, land use designations with sufficient slack to permit considerable population growth; however, the Environmental Impact Report for the Plan fails to assess the impact on air quality of the inevitable urban expansion and the concomitant increase in vehicle miles travelled.

Coastal Land Environment Technical Report - The LAAPCD was asked to respond to the Coastal Land Environment Element of the Coastal Zone Management Plan, prepared by the planners at the South Coast Regional Commission. The report includes a section on air resources in which the Commission staff state that: air pollution in the Coastal Zone is at a critical level; freeways as a pollution source are a potential hazard for humans and other living resources; coastal sources are the origin of emissions that are moved inland by the winds and either settle against the mountains or contribute to photochemical smog in other inland areas; building design and use of open space can mitigate the impact of air pollution (18).

The LAAPCD has contested several of these findings. According to an LAAPCD memorandum (19), there is no evidence that transportation corridors, such as freeways, are a hazard to health because of air contaminant emissions. Freeways are major line sources of emissions, it argues, but the vehicle emission control program continues to lessen their impact. The South Coast Region does have a severe air pollution problem, but the Coastal Zone enjoys cleaner air than any other part of the Region. While encouraging the use of open space to mitigate emissions impact the LAAPCD does not believe land use and transportation planning will make "an important contribution to the existing air pollution control programs."

Thus the LAAPCD concludes that the Commission staff recommendations to "remove 'non coastal related' pollution sources from the Coastal Zone," and refrain from locating "intense pollution-generating development, such as power plants and freeways in the Coastal Zone," are not rationally-based policies for achieving air quality (19). Furthermore, removal of "non-coastal related" pollution sources is considered to be absolutely impractical and unjustifiable. In a subsequent memorandum (20) to the Coastal Commission, the LAAPCD expressed a little impatience and

indignation at the Commission's pre-emption of LAAPCD concern for air quality stating that the "APCD does not approve any installation that would prevent the attainment or maintenance of [national] standards." The LAAPCD further questioned the sources for many of the assertions in the report and challanged the planners to provide data in defense of their land use proposals for improving air quality.

Water Quality Control Plan (Basin Plan) - The EPA is responsible for the requirement that Series E-O population projections of the State Department of Finance (signifying relatively slow growth) are used in the planning of water resources in critical air basins, on the grounds that growth must be limited if the air quality standards are to be reached and maintained. According to a LAAPCD official, the local agency was unaware of this provision in the Los Angeles Basin Plan (21).

IV. 4 WATER QUALITY

The control of water quality in California is governed by both federal and state legislation. In essence, the Federal Water Pollution Control Act (FWPCA) of 1972 lays down certain minimum requirements for an acceptable water quality program; as long as a state meets these requirements, federal involvement (other than providing money for funding) is kept to a minimum. At the present time California's water quality program, established largely by the Porter-Cologne Water Quality Control Act of 1969, has federal approval; indeed, parts of it provided a model on which the federal legislation was based (1).

The program in California is largely administered by the nine Regional Water Quality Control Boards (RWQCBs), with coordination and supervision provided by the State Water Resources Control Board (SWRCB). Key features of the program are a "continuous planning process" and a waste discharge permit system; in addition, grants are given for waste collection, treatment and disposal projects (22).

The Planning Process and Permit System

The planning process generates areawide waste management plans indicating priorities for the construction or improvement of treatment facilities, and regional water quality plans (basin plans) establishing water quality objectives to protect beneficial uses and prevent pollution.

The permit system provides one of the means of implementing the plans. Under the system, all discharges to navigable and non-navigable waters* require a permit from a RWQCB. To assist in enforcement, local governments are required to notify the appropriate regional board of applications for approval of a sub-division map or for a building permit whenever these might result in the discharge of waste (other than to a sewer); discharges from dwelling units of five units or less must also be notified (1).

According to a member of the Los Angeles RWQCB (23), the "permit" nomenclature is somewhat confusing as the board does not issue anything corresponding to (for example) a building permit; instead, it lists a set of waste discharge requirements which specify the conditions to be maintained in the receiving waters and place limits on the quantity and quality of effluent released. It is the County Engineer who issues the building permit, although the board's requirements (which might, for example, necessitate connection to a sewerage system) may have the effect of prohibiting the operation of a facility or making it uneconomical. However, the RWQCB does not have the power to prescribe alternatives; it lacks both the authority and the staff to review each application to discharge in detail and negotiate for the best system in conformance with federal, state and regional water policy. The RWQCB member suggests

* Control over non-navigable waters is required by state, not federal legislation.

that the County Engineer does not fulfill this function either, and that there is often a lack of communication between the various county departments reviewing applications for building permits (e.g., the County Engineer is not always fully aware of state and county health department requirements, with the result that rejection of a project may come at the last minute, causing expensive delay or restructuring) (23).

Once waste discharge requirements have been issued, the RWQCB is empowered to prevent violations through the use of cease and desist orders and other legal means. Civil fines and/or criminal penalties may be invoked (1).

Project Funding

In co-operation with the regional boards, the SWRCB reviews and has approval power over waste collection, treatment, and disposal project applications for grants under the FWPCA. The state board determines if proposed projects conform to adopted policy for water quality control and to applicable area wide and regional plans. Priority lists are then established on the basis of financial and water pollution control needs. Special consideration is given to applicants proposing facilities that incorporate water reclamation, which is specifically encouraged in state policy (22).

An approved project may draw from federal funds up to 75% of the total cost of that part which is eligible; in the past, the state has been able to contribute up to an additional 12 1/2%. With the passage of the Clean Water Bond issue of $250 million in June 1974, the state will now be able to raise the amount of its contribution from 12 1/2% to 25%. This means that a project of high priority might in future receive 100% funding from a combination of federal and state sources (24).

Water Quality Planning in the Los Angeles Area

The Basin Plan, issued in June 1974, was prepared with the cooperation of local and state agencies. The Plan establishes regional water quality objectives and a program of implementation to the year 2000, incorporating federal regulations and timetables and subsuming all previous regional plans*.

The plan evaluates physical, hydrological and climatic features, present and projected population and water needs, water resources quality and quantity problems, beneficial uses to be protected, facility needs; and financial and institutional conditions. Detailed descriptions of proposed and recommended projects are included.

Population projections were prepared by the California State Department of Finance (Population Research Unit) and geographical allocations of population were made by the Southern California Association of Governments (SCAG). Series E-0 projections (assuming a fertility of 2.11 and zero net immigration) were used as the basis for all planning in order that the water quality plan should complement the state plan for air quality prepared by the California Air Resources Board. Almost the entire area covered by the plan (excluding areas above 3,000 ft.) coincides with the designated "critical air" zone. Series E-0 projections were used as baseline projections in "an attempt to limit the growth-inducing effect of proposed water and wastewater facilities in 'air critical' areas" (26). Projects financed by federal or state funds must conform to capacity limitations based on the Series E-0 projections. Capacity in excess of Series E-0 projections can still be developed, however, through local funding.

IV. 5 FLOODING

Local drainage requirements are controlled by the County Engineer, and

* It may be noted that no area-wide waste management plan yet exists for the Los Angeles area, nor is one currently being prepared (25).

developers must remove the flood hazard by installing the necessary drainage improvements to his satisfaction. Major watercourses are controlled by the Los Angeles County Flood Control District (LACFCD). Proposals for flood control projects are subject to review and approval by the County Board of Supervisors, which may authorize the sale of bonds for projects of area-wide benefits. Projects of primarily local benefits may be paid for by taxes on the affected properties in the area.

Flood Control in the Study Area

In 1967, LACFCD, together with the County Engineer and the Regional Planning Commission, prepared a master plan of storm drains for the Malibu area (27). The plan was funded in part by HUD. Planning Commission population projections and the 1965 Malibu master plan were used as a guide for future growth in outlining the drainage system. The Malibu Master Plan of Storm Drains proposed channelization of all drainage areas of Malibu Creek, Liberty Creek, and Triunfo Canyon. Few channels existed in the area at the time except for small projects by developers.

At the time the plan was completed, three general bond issues had been passed in Los Angeles County authorizing the LACFCD to construct storm drains in critical flood prone areas of the County. Channelization of Malibu Creek was a high priority project expected to draw on funds from these general bonds. However, there was no implementation plan associated with the Master Plan of Storm Drains, and the latter was never officially adopted as the program for either the County Engineer or LACFCD. Channelization plans for the area have subsequently been revised in accord with revised population projections and open space designations. According to a LACFCD official (28), the agency now has no plans for projects in the Malibu watershed other than completion of a channel from Malibu Civic Center to Malibu Creek, which was authorized by passage of the 1970 Storm Drain Bond issue for the entire flood control district. Both the Los Angeles River Basin Plan and the Environmental

Impact Report for the General Plan state that there are no plans for further channelization in the watershed area.

However, local drainage improvements will continue as development proceeds, and Malibu residents are currently opposing the County Planning Commission's promotion of cluster development on rural and agricultural designated lands since concentration of development is more likely to necessitate stream channelization in the future (29).

IV. 6 SOILS

As well as being on interest to the appropriate County or City Engineer, soil conservation may also be the concern of a local conservation district. Such a district has no regulatory authority, but it can act as an intermediary between regulatory agencies and members of the public; furthermore, it provides the only channel for certain federal benefits (30). If needed, a district can operate resource conservation facilities.

A resource conservation district does not have its own technical staff but instead relies on the personnel and facilities of federal and state agencies (31). The Soil Conservation Service of the U.S. Department of Agriculture provides the most significant contribution and is the only agency that receives federal funds earmarked by Congress for direct technical assistance to conservation districts; it provides each district with the services of a District Conservationist (not necessarily full-time) (30).

Soil Conservation in the Study Area

In 1967, the U.S. Soil Conservation Service, the Topanga-Las Virgenes Resource Conservation District(TLVRCD), and the County Engineer issued a report on the Soils of the Malibu Area (32) which contained suitability guidelines for development and soil limitation ratings. A large

portion of the land in the Malibu area was rated as having a very high erosion hazard, with 80% in the severe classification. Most of the land was classified as having great limitations for use as septic tank filter fields, with 95% of the land in the severe category. The survey recommended that the land be used for range, woodland, watershed, wildlife, and recreation purposes, rather than urban development or agriculture.

The report is the only existing comprehensive soil survey of the Malibu area and it was presumably used by the County in preparing the General Plan, although the recommendations appear to have been lost in the transformation of the Environmental Development Guide into the amendments to the General Plan.

In 1970, the TLVRCD resolved to comment on any zoning proposals that involve conservation goals in the conservation district and adjacent Malibu area (33). The District receives advance notices of hearings on zone changes, variances, and conditional use permits within this area before the Los Angeles County Board of Supervisors, the County Regional Planning Commission and/or its Zoning Board.

IV. 7 SEISMIC SAFETY

Planning and regulation for seismic safety are conducted at all levels of government and responsibility is divided by the major categories of earthquake problems, i.e., buildings, dams, roads, land use planning (34).

The Los Angeles County Planning Commission staff is preparing a Seismic Safety Element to the General Plan which attempts to coordinate the research, planning, and regulatory efforts of the many agencies into a statement of policy and a land use planning program for L.A. County. The element will incorporate the workof the State Geologist delineating special studies zones that encompass areas of earthquake hazard according to specified criteria, within which special development approval

must be granted by cities and counties (35). This earthquake protection program was authorized by the passage of S.B. 520 (known as the Alquist-Priolo Geologic Hazard Zones Act) in December 1972. No portion of the Malibu Creek watershed is included within these hazard zones (35).

IV. 8 WILDLIFE

The U.S. Department of the Interior and the California Department of Fish & Game both have an interest in endangered species of wildlife. Under the 1966 Endangered Species Preservation Act, the Secretary of the Interior is authorized to publish a list of native animals threatened with extinction and to provide federal programs of research and protection. In California, the 1968 Ecological Reserve Act gives the State Department of Fish & Game authority to acquire land and water to be set aside as Ecological Reserves; the 1970 California Species Preservation Act requires the same Department to keep inventories and report biennially to the Legislature on the status of rare and endangered species of native fish and wildlife (36). Federal and state lists of threatened species have now been prepared, but as yet they do not include plants.

Neither the federal nor the state agency has the power to halt a development that will have an adverse impact on wildlife habitats, even when a rare or endangered species is likely to be affected. Where a project involves the use of federal funds, the developer may be "prevailed upon" to change his plans or otherwise mitigate the adverse impact, but he is not necessarily bound to do so. Although probable effects on wildlife must be identified in the environmental impact reporting process, only an agency with discretionary authority over a project can force a developer to take action in the interest of species preservation (e.g., by attaching conditions to the issuance of a permit). In appropriate situations, the State Department of Fish & Game intervenes to argue for just such conditions to be imposed. Its only other recourse is to acquire the critical habitat, taking the site into public ownership and

setting it aside as an Ecological Reserve; however, limited funds restrict the use of this approach to rare occasions (37).

IV. 9 RECREATION

The division of responsibility for the planning and provision of parks and other public recreational facilities is relatively straightforward: those considered to be of national importance are the concern of the federal government; those of statewide or regional importance are the concern of the state government; while those of only local importance are the concern of the local government.

Planning and Acquisitions in the Study Area

Federal - In September, 1970, the Secretary of the Interior requested the Bureau of Outdoor Recreation to examine the outdoor recreation potential of the Santa Monica Mountains. The report concluded that even though local government was unlikely to exercise the necessary land use controls for preserving the area as open space, establishment of the area as a national recreation area could not be justified. It was recommended that a conservation and development commission be established by legislative mandate with responsibility for preparing and implementing a plan for the mountains. Federal grants-in-aid and technical assistance should be used to reinforce state and local involvement in this process (38).

The report has provided substantial background information on the study area and has been used to strengthen state and local park proposals and legislation.

State - The California State Department of Parks and Recreation (SDPR) generally establishes its acquisition priority lists on the basis of statewide surveys of local park and recreation departments, recommendations of citizen advisory committees, and studies conducted by the

Department and other state and federal agencies involved in recreation planning. Acquisitions and site development are dependent on the budget provided by the Legislature or through bonds, and the SDPR has in practice been extremely limited in its effectiveness due to shortages of funds. In fiscal year 1972, for example, the state had zero appropriation for acquiring new parkland. There has been a heavy reliance on full or partial donations used as the state share to match federal grants from the Land and Water Conservation Fund. However, passage of a new bond issue in June 1974 has considerably improved the situation.

In June, 1973, William Penn Mott, Director of the SDPR, established the Santa Monica Mountains State Park Advisory Committee to recommend an acquisition plan for the mountainous Malibu-Las Virgenes area. The Department favored a "chain of parks" concept, providing a large number of recreational experiences. The Committee concluded that Century Ranch was the key unit in the Santa Monica Mountains and based their entire acquisition plan around Century Ranch (39). The Department could only purchase the property with funds provided either by the Legislature or by a voter-approved statewide bond issue. The Stevens Bill (S.B. 1194), authorizing the acquisition of Century Ranch, was passed in the fall of 1973 and the property was purchased in January 1974 at a cost of $5.8 million.

Currently awaiting legislative approval by the State Senate is the proposed acquisition of Barbeque Flats (an addition to the existing 50 acre Malibu Lagoon State Beach) and also of the Bob Hope Ranch (adjacent to Malibu Creek, several miles upstream) (40).

In the Water Quality Control Plan for the Los Angeles River Basin (prepared by the Regional Water Quality Control Board) there is provision for salt water flushing of Malibu Lagoon in order to mitigate the effects of dumping treated effluent from the Las Virgenes sewage treatment plant; however, this provision was apparently included without the knowledge

of the Department of Parks and Recreation (41). Meanwhile the South Coast Regional Commission has proposed in its recently adopted "marine element" of the Regional Coastal Plan that an inter-agency control committee be set up to regulate the use of the Lagoon and surrounding land (42).

Local - In July, 1965, the CDPR together with the County Regional Planning Commission, issued a Regional Recreation Areas Plan, a part of the Recreational Element of the General Plan. The Plan proposed the addition of several county-owned regional parks to the existing 3,000 acre Tapia Park in the Malibu watershed area, notably Triunfo Regional Park (600 acres) and Calabasas Regional Park (528 acres). The 1965 General Plan was not legally binding, however, and it is now obsolete.

The CDPR has participated in preparing various elements of the current General Plan (which is legally binding) and, as a member of the Technical Committee, reviews all sections of the Plan during the development process. It has made a major contribution to the preparation of the Scenic Highways Element, but as yet no work has begun on an up-to-date Recreation Element.

Park acquisitions by the CDPR are dependent on appropriations from the county budget, approval of county-wide park bonds, and for funds provided through the passage of state-wide bonds which are distributed to local park and recreation departments. No county acquisitions in the Malibu watershed area are currently pending.

IV. 10 TRANSPORTATION

Federal, state, regional, and local agencies all have an interest in land transportation systems (i.e. highways and mass transit). The federal influence is manifested in statutory and regulatory conditions attached to the funding of transportation projects. Such funding may be channelled through the state (notably for highway construction) or

through regional or local agencies (e.g. for the construction of mass transit systems).

Echoing recent changes in policy at the federal level, the state in 1972 passed AB 69 signalling the end of a single-purpose program of highway development in California and the start of a thrust toward a balanced, multi-modal system of transportation. Protection of the environment was made an explicit goal of state policy. The law provided that this and other goals are to be achieved through a coordinated planning process; at the same time, however, there is to be maximum reliance on existing local and regional transportation agencies and plans.

The California Department of Transportation (Caltrans) is the State's principal transportation agency. Highways, mass transportation, and transportation planning, are the responsibilities of three of its six divisions; however, state priorities of an earlier era are reflected in the fact that "as a matter of administrative reality, the Division of Highways is predominant in terms of personnel and finance" (1). This Division continues to be responsible for the design and construction of all major highways.

Under Caltrans' guidance, an assemblage of regional transportation plans is being prepared for adoption by the State Transportation Board as the California Transportation Plan, to be submitted subsequently to the Legislature.

The Plan will supersede the State Master Plan of Highways, originally drawn up in 1959. The Southern California Association of Governments (SCAG) has been designated a Regional Transportation Planning Authority, and as such is responsible for preparing the plan for its region; this task is being carried out with the collaboration of local agencies. Another important responsibility that has been given to SCAG is that of reviewing most applications for financial assistance (for transportation

projects) submitted by local agencies to the state and federal governments.

Transportation Planning in the Study Area

The study area is crossed by two major highways which come under the planning jurisdiction of the federal and/or state transportation departments; these are the Ventura Freeway (which bisects the watershed) and Highway 1, known as Pacific Coast Highway (which briefly passes through the watershed at the mouth of Malibu Creek). Responsibility for the remaining transportation network (other than these highways) resides at the local level, primarily with the Los Angeles County Road Department.

The Southern California Rapid Transit District is also involved, for although the direct impact of public mass transportation on the study area is relatively minor now (and is thought likely to remain so for the forseeable future), significant pressures for growth could result indirectly from the increase in accessibility provided by a proposed rail terminal in nearby Santa Monica.

Nevertheless, highway construction poses the major issues in current planning for the study area. The 1959 State Master Plan of Highways included not only the Ventura Freeway but also two freeways in Coastal Malibu, namely the Pacific Coast Freeway and the Malibu-Whitnall Freeway (through Malibu Canyon). A Reseda-to-the-Sea Freeway was to be built to the east of Topanga Canyon in Los Angeles City, just outside the watershed. The Los Angeles County Master Plan of Highways, prepared in 1968, proposed an inland Mulholland Parkway and a cross-mountain parkway, the Red-Rock-Bayview Parkway.

Both the Malibu Freeway and the Pacific Coast Freeway have since been deleted from the State Master Plan in response to citizen pressure.

The Ventura Freeway was completed in 1965 and corridor development has ensued. Growth projections for the mountainous and coastal areas have been revised downward and the public has acquired major parcels in the area. However, the extent and type of access to the mountainous and coastal areas of the watershed remains a critical issue.

In 1971, the California Division of Highways (then part of the Department of Public Works), issued a study of Pacific Coast Highway detailing the level of congestion on the coast road and discussing the larger issue of public access to the area (43). The study concluded that Pacific Coast Highway must be improved in order to provide for minimum safety. Congestion would be only temporarily improved. The state agency still favored freeway development along the coast but proposed a restriping program and building pedestrian overpasses in the interim. Traffic tie-ups of colossal proportions were foreseen in the near future. The improvement was delayed by the Coastal Commission because of the growth-inducing implications of increased traffic flow in the Malibu area but it was underway by mid-summer 1974.

The County Road Department is currently preparing the transportation element of the County General Plan (44). The Environmental Development Guide contains the most [illegible] statement by both the Road Department and the Regional Planning Commission (RPC) on the proposed road system for the watershed area, and it incorporates the 1968 County Road Department Master Plan. Public access to the beaches and mountain parks is given high priority by the Road Department, and there is a proposal to improve and develop cross-mountain roads that would permit inland residents to travel from the Ventura Freeway to the Coast. The major issue is whether the roads will be two-lane recreational roads or four-lane high speed roads. Parking at the beach poses an additional problem. Residents of the Malibu coastal and mountain regions are urging development of two-lane scenic roads, with wide scenic corridors and slow speeds

(41, 45). They would like to see a de-emphasis on private automobile access, replacing it with public transit. They have proposed a park-and-ride system from major points inland to the beach by bus as well as mini-buses along the coast and a bus service to the mountain parks. Developers in the area favor four-lane roads with few curbs on corridor development.

The County Road Department looks to the zoned capacity and projected land use of an area in determining the need for road improvement (46); thus the decisions of the RPC in this regard are critical. Present zoning will permit considerable development in the study area, and the extent of this likely development will dictate to the Road Department the width of the roads.

In the meantime, the City has re-opened the possibility of developing the Reseda-to-the-Sea Freeway, and a cross-mountain route (the Dume-Kanan Road) is nearing completion without any recreation highway designation (47). The June, 1974, Primary Bond Issue of Parks will fund the development of Century Ranch and the extension of Malibu Lagoon State Park and Beach. The County Road Department cites all of these developments, in addition to swelling beach crowds, to indicate an ever-increasing volume of traffic and the consequent "need" for more roads (46).

IV. 11 A NOTE ON THE ENVIRONMENTAL IMPACT REPORTING PROCESS

Under the 1969 National Environmental Policy Act, any agency of the federal government that proposes legislation or plans to undertake an action "significantly affecting the quality of the human environment" must file an environmental impact statement (EIS) with the Council on Environmental Quality. The California Environmental Quality Act, passed in 1970, requires the preparation of an environmental impact report (EIR) for any discretionary project that is to be carried out or approved by a public agency and is likely to have a "significant effect on the environment". The term "discretionary" signifies that the agency

exercises judgement rather than simply conforming to prespecified regulations.

Although many projects have been halted or modified as the result of the passage of NEPA and CEQA, this has generally been the consequence of a failure to comply with the appropriate procedural requirements. It is important to realize that an EIS or EIR is solely an informational document, albeit one that must be considered by any public agency prior to approving or disapproving a project. The fact that an adverse environmental impact is identified in a report does not mean that a project application must necessarily be turned down. It follows that the impact reporting process does not by itself provide protection for the environment; it merely serves as an aid toward better (i.e., more informed) decision-making.

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SECTION V

CASE STUDIES

The analysis of the previous section dealt in succession with the institutions responsible for managing individual components or "elements" of the total environment. A different perspective will now be given by means of a case study approach, examining the involvement of a number of institutions in particular projects or sets of projects. In this way, some of the points of interaction between different agencies, many of which have single-purpose objectives, will hopefully become apparent.

V.1 LAS VIRGENES (WATER AND SEWAGE)

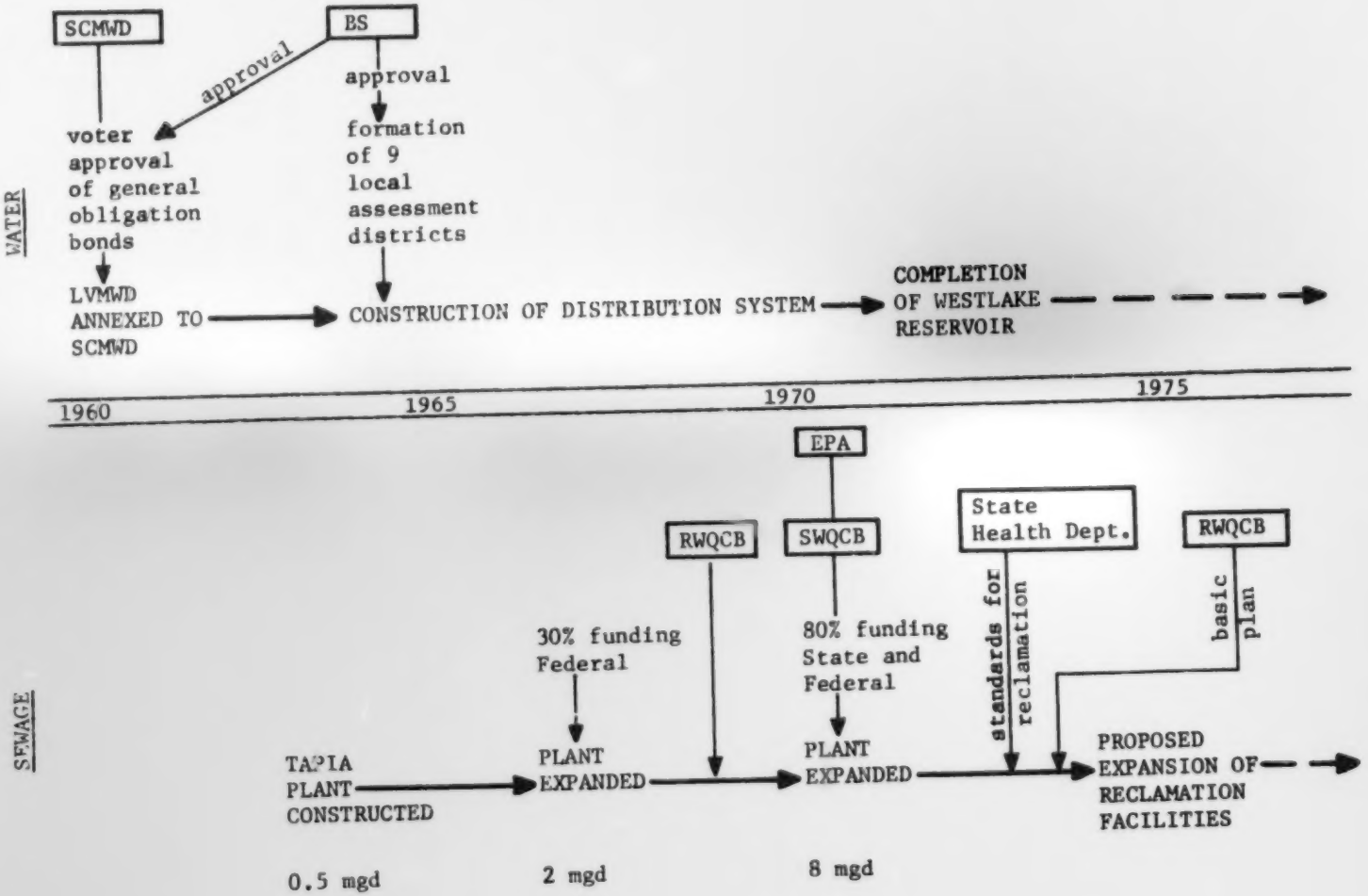
This case study looks at the development of water supplies and sewage collection and treatment services by the Las Virgenes Municipal Water District (LVMWD), examining the extent to which these tend to promote or constrain growth. A flow diagram indicating many of the actions affecting the District's provision of services is presented as figure 5.

Water

In 1960, the LVMWD was annexed to the Metropolitan Water District of Southern California (SCMWD) for supplemental imported water supplies. LVMWD engineers master-planned a system that would be able to serve anyone in the area who might choose to connect. Some lines were deliberately made over-sized in anticipation of considerable growth. In a tributary valley of Triunfo Canyon, Westlake reservoir was completed in 1971.

The initial facilities to import water from the SCMWD were funded by District-wide general obligation bonds, whereas the further expansion of the water system was supported by the formation of some nine local assessment districts. Each district's first phase of pipeline extension

Figure 5 Actions Affecting the Las Virgenes Municipal Water District



generally tried to provide service to those properties whose owners were at that time asking to connect; later phases anticipated the connection of other properties thought likely to be developed in the future (1). During the construction period between 1964 and 1970, extensive growth was both expected and actually experienced, but since 1972 the growth rate has slowed considerably (to about 5%). Construction of the Malibu Freeway has been cancelled, development plans have been coming under increasing scrutiny, and environmentalists have been challenging the decisions of planning and zoning officials.

At the present time, landowners within the assessment districts are forced to carry a heavy burden of taxation. Some 54% of the tax base is open land, and many landowners must pay very high rates even though they are not connected to the water system. This situation tends to have a growth-inducing effect. Some landowners have chosen to sell out to developers, rather than to pay the taxes. The LVMWD maintains that without growth, the debt on the water system cannot be paid at current tax rates. While the District has not officially taken a stance against any proposed legislation that would inhibit growth, it has pointed out the potential fiscal problems that might result from the establishment of a Ventura-Los Angeles Mountain and Coastal Commission (proposed in A.B. 1254); development would generally become more difficult (as it has in the coastal region since the Coastal Conservation Commission was established), leading to a drop in the value of undeveloped land and, possibly, a taxpayers' revolt. If land were reduced in value, or taken off the tax rolls, the remaining land in the district would face higher taxes (2,3).

Sewage Treatment

History of the system - In 1965, LVMWD constructed its first sewage treatment plant (the Tapia Water Reclamation Facility) adjacent to Malibu Creek, several miles inland from the ocean. Secondary treatment employing activated sludge was provided for an initial capacity of 0.5 million

gallons per day (mgd). There were virtually no discharge requirements to be met at the time; it was simply required that most of the waste water be sprayed on the grounds of the plant.

In 1968, the secondary (activated sludge) treatment capacity was enlarged to 2 mgd and as the additional waste water could not be absorbed on the plant grounds, the District applied for a permit for run-off into Malibu Creek. In granting the permit, the Regional Water Quality Control Board (RWQCB) imposed stringent standards and required monitoring facilities. According to the present plant manager, the Tapia plant was able to meet these requirements (1).

Meanwhile, the residents of Coastal Malibu were becoming embroiled in a controversy over the provision of sewage treatment for their area. Coastal Malibu lies outside the Malibu watershed except for a small area on either side of the Malibu Creek between the ridge of Santa Monica Mountains and the coast. In February, 1964, the voters of Coastal Malibu rejected a bond issue for financing a sewer district (County Sanitation District #33) preferring instead to maintain septic tanks. Two more bond issues were defeated in 1966 and 1968, and another was proposed unsuccessfully in 1971. A majority of the residents have been against the installation of a sewage system on the grounds that it would remove an effective obstacle to development in the coastal area, namely the threat of contamination of the beaches. Restrictions on discharges imposed by both the State Public Health Department and the RWQCB have indeed slowed development in the area. On the other hand, the Chamber of Commerce, the large landowners and developers, and the County Engineer have all favored the formation of a sewer district* (23).

In the midst of this controversy, the Las Virgenes permit to release secondary effluent under controlled conditions into Malibu Creek was brought

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* See page 58.

into question. The RWQCB determined that there was a threat of undue algae proliferation in Malibu Creek, and Las Virgenes was prohibited from releasing any waste water except under conditions where the ground was well saturated by rainfall and unlikely to absorb the effluent. The action was taken under the broad provision of the "threat to violate" section of the 1969 Porter-Cologne Act (1).

It seems possible that the Coastal Malibu sewage treatment controversy may have been the cause of the permit re-examination and subsequent restrictions on effluent discharge. The Chamber of Commerce/developer coalition, in raising the issue of the Las Virgenes permit, may have hoped to force the District to construct an ocean outfall instead of releasing effluent into Malibu Creek, thereby setting a precedent and strengthening the position of the pro-development faction in their promotion of a treatment facility with ocean outfall for Coastal Malibu. Tests conducted by the RWQCB staff found that there was as much algal growth upstream from the plant (due to agricultural and livestock runoff) as below it, and LVMWD officials concluded that plant effluent was not the cause of the algal proliferation. However, the RWQCB claims that political pressure played no part in the permit re-examination, and that it was the result of ever-tightening and explicit federal, state, and regional controls.

In any event, the District opted for a reclamation system rather than an ocean outfall. It had been developing a reclamation system that involved the pumping of treated effluent out of the immediate area, and this system was operative within six months of the permit revocation. In 1971, the Tapia plant and the reclaimed water system were expanded to a capacity of 8 mgd.

The Present System - The treatment plant is currently being used well under capacity, the flow being about 4 mgd.; however, the wastewater reclamation facilities are already being strained. The reclamation

system operates with a five mile land outfall ending at a 29 acre-foot reservoir within the Headquarters complex of the LVMWD, some 400 feet above the Tapia Plant (which is itself about 450 feet above sea level). The reservoir is used for fish cultivation while reclaimed water from the reservoir is used to irrigate alfalfa and other crops in the Las Virgenes Valley, as well as to irrigate the Hope [illegible] Claretville Seminary and the Twentieth Century Fox site. Additional water is conveyed to Pepperdine University (1).

Surplus wastewater presents a problem, especially during the winter when demands for irrigation are at their lowest. The water is presently sprayed on unused areas of land, but as the flow increases, other means of disposal will become essential. LVMWD is committed to reclamation and it is currently preparing plans for utilizing the extra water throughout the District. In principle the latter could be used for irrigation, for lake filling, to maintain greenbelt areas (as a form of fire protection), or for maintaining a continuous stream flow in the creeks. A $3 1/2 million expansion of the reclamation facilities appears on the 1974/75 funding priority list of the RWQCB. Should this system be funded, treated wastewater will be pumped to Calabasas Park and Westlake Village, serving all adjacent properties in-between (1).

Funding - The Tapia WRF currently treats sewage from three sanitation districts, namely the U1 and U2 improvement districts (within LVMWD) and the Triunfo County Sanitation District (TCSD) in Ventura County. The U1 district covers the Malibu drainage basin within Los Angeles County, the U2 district covers the Calabasas drainage basin, and the TCSD covers the Malibu drainage basin within Ventura County. It is expected that an additional district (U4) within LVMWD will be connected to the plant within 1 1/2 years or so; this will serve a small area generally south of Mulholland, near Westlake Boulevard, at the western end of Los Angeles County.

The original plant, used by the UI and Triunfo districts only, was financed by general obligation bonds. Some 30% support from federal sources was obtained for the 1968 expansion to 2 mgd. The 1971 expansion to 8 mgd was largely funded (80% of the eligible cost) from state and federal sources, the local share being financed by improvement bonds. The U2 district joined the system in 1973, paying an initial fixed amount for capacity. All connected districts contribute to expenses on a pro-rata basis. (1).

It is noteworthy that as long as the plant is operating within its design capacity, it is in the interest of those connected to the system to encourage further connections (e.g. by development) as this causes the debt (in the form of a property tax) to be spread among a larger group.

Water, Sewage, and Future Growth

The availability of water is such that at this time, it does not appear to represent a constraint on growth in the study area; on the contrary, it has been shown that method used to finance the existing water supply tends to have a growth-inducing effect. Sewage treatment, however, poses a greater problem for those wishing to develop, in view of stringent water quality and public health regulations.

The Los Angeles Basin Plan (prepared by the RWQCB) discusses the future of the sewage treatment system, stating that under E-0 growth rates (used to maintain consistency with air quality planning) "the Reclamation Plan envisions the Tapia Water Reclamation Facility's 8 mgd capacity as sufficing throughout the planned period" (up to the year 2000) (4). In order to fully utilize this existing capacity, new means of disposing of the wastewater will have to be developed (as discussed earlier).

However, the Basin Plan points out that the LVMWD and the TCSD (co-

partners in the Tapia facility) strongly believe that significantly higher growth rates will be experienced. LVMWD flow projections, based largely on the growth permitted by the General Plan, indicate the need for a 300% expansion of the Tapia plant capacity by the end of the planning period. According to the Basin Plan, this would necessitate the construction of a 20 mgd ocean outfall (4).

V. 2 PEPPERDINE UNIVERSITY (PRIVATE DEVELOPMENT)

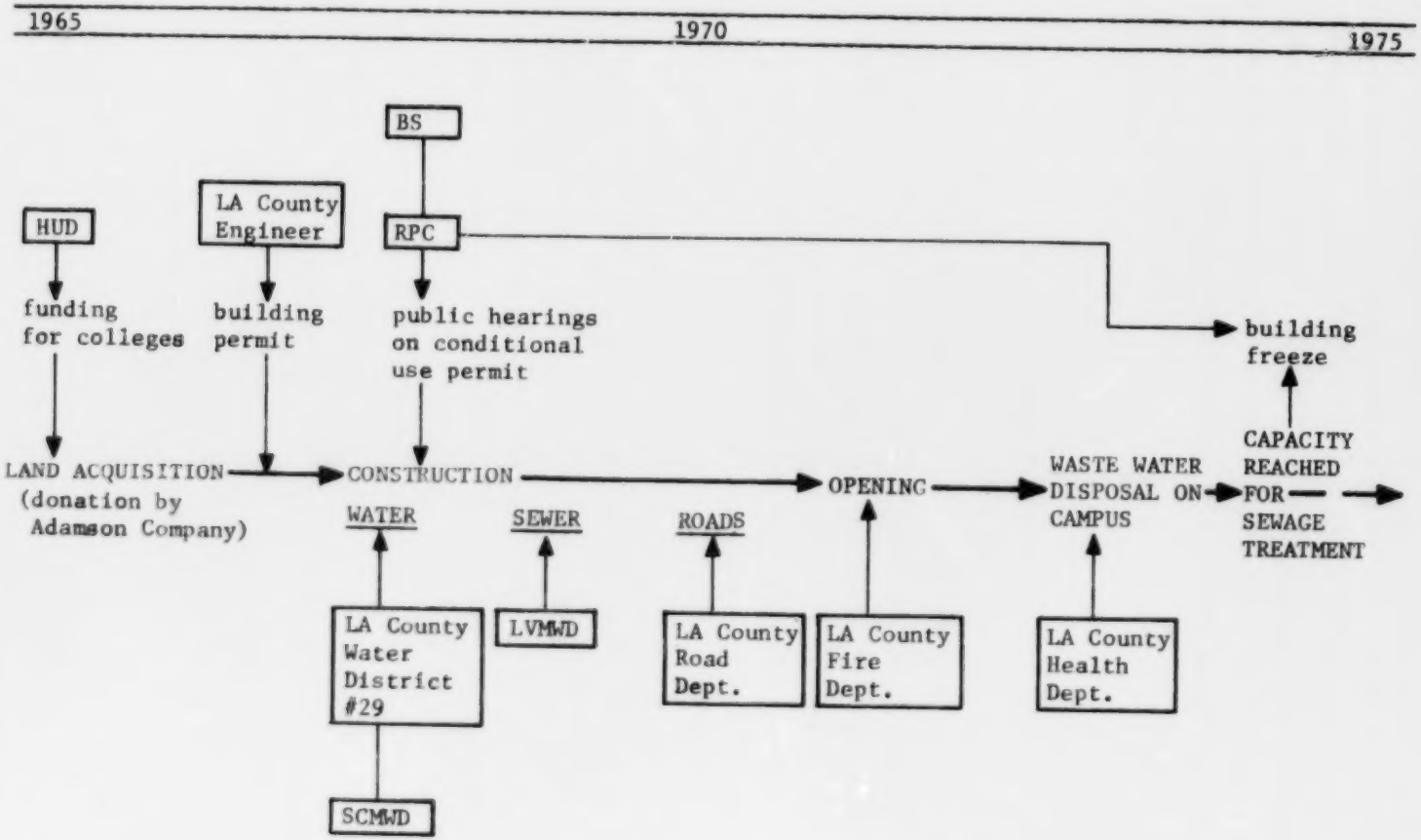
Pepperdine University is located in the Coastal Malibu area, on the edge of the Malibu Creek watershed. It lies to the north of Pacific Coast Highway, in the foothills of the Santa Monica Mountains. A large portion of the site was donated to the University by the Adamson Company, one of the largest landowners in the Coastal Malibu area. The University acquired several other parcels through donations, and bought frontage on Pacific Coast Highway. Funding was received from the U.S. Department of Health, Education, and Welfare, under the program of grants made for the development of new colleges.

In the development stages prior to the September 1972 opening, the University was involved in a confusing tangle of non-communicating public agencies. Most of the controversy centered around the provision of water and sewers, and inadequate solutions to sewage problems still threaten to severely curtail the University's development plans. A flow-sheet indicating some of the key actions affecting the University's development to date is presented as figure 6.

Initial Planning Approval

Construction of the University began after building permits for the initial phase of the development had been applied for and received. Subsequently, however, the Zoning Division of the County Regional Planning Commission (RPC) was alerted to the construction and Pepperdine was informed that a conditional use permit was required. Neither the Engineer's

Figure 6 Actions Affecting Pepperdine University



Department (which had granted the building permits) nor the University had apparently been aware of this requirement. In mid-construction, Pepperdine filed for the appropriate permit. Public hearings were held and considerable opposition to the development was voiced; nevertheless, approval was granted. Inevitably opponents have argued that the decision was influenced by the fact that construction was already under way (5).

Water

Pepperdine obtains water from Los Angeles County Water District #29, supplied under the Southern California Metropolitan Water Plan. The University was required to build the system and dedicate it to the County. In order to accommodate future development, they constructed a 3 million gallon tank well above the campus in the Santa Monica Mountains, at a cost of nearly $800,000. The County Water District advised them to use extra heavy pipe because of the high water pressure that would result from the high elevation of the water tank. In addition to the heavy pipe, the University installed pressure reducers at each building. Both the County Water District and the County Fire Department were aware of the development of the Pepperdine water system and the Water District gave it formal approval.

On opening day, the Fire Department came to examine the system for its own approval. The University was told that the hydrant pressure was too great and that an expensive system of pressure reducers would have to be installed. Had the University previously been aware of the need for these reducers, they would not have installed the extra heavy pipe. As it was, they were forced to pay for a dual system (5).

Sewage

In its initial development plans, Pepperdine had agreed to jointly

construct a treatment facility with its neighbor developer, Alcoa. Alcoa, together with the Adamson Company, was planning a major development of recreational facilities, single family homes, and one and two-story apartments in the area to the west of Pepperdine, known as South Winter Mesa. Plans for the 200,000 gallon treatment plant, requiring bonding of $1,250,000 with the County, were not initiated in time for completion by the anticipated opening day. Coastal Malibu is served principally by a system of individual septic tanks, and residents had several times defeated bond proposals for the formation of a sewer district; thus Pepperdine could not rely on the approval of a local system even though both the County Engineer and the County Sanitation Districts, together with the Regional Water Quality Control Board, were strongly advocating its development.

As an interim measure, so that the University could be assured of opening on schedule, Pepperdine proposed a system of 34 septic tanks to serve the campus. However, the proposal was not approved by the County Sanitation Districts and the Regional Water Quality Control Board due to the threat of possible rising water downward of leach fields, in the vicinity of Pacific Coast Highway. As a temporary solution, the University contracted with the Las Virgenes Municipal Water District (LVMWD) to treat sewage from the campus. The Las Virgenes system, with a capacity of 8 mgd, was only treating 3 mgd in 1972. The University, as part of the agreement, had to buy back treated effluent (at $15 per acre foot) because the Las Virgenes system is compelled to dispose of its treated effluent on land and there had been insufficient demand for spray irrigation, particularly in rainy winter months. Two 4 inch pipes (one for transporting sewage to the plant, and one for returning the treated effluent) were installed over the 5 mile distance under Malibu Canyon Road, together with the necessary pumping facilities.

However, it took a long time for the County Health Department to develop

standards for the intermingling of effluent pipes and domestic water lines (to protect against the possibility of cross-connection), so that only in April 1974 was Pepperdine first able to dispose of the treated effluent on the campus in accordance with the contract. Currently the University sends approximately 90,000 gallons of sewage to the Las Virgenes plant daily.

The University has now reached the reliable capacity of the 4 inch pipe and all new construction has been suspended by the County Regional Planning Commission until additional sewage capacity is obtained. However, new construction is very important to the campus because the high cost of land and housing in the Malibu area currently forces most students and faculty to commute over considerable distances. This is contributing both to the congestion of major roads in the area and to air pollution, as well as being contrary to the University's residential philosophy. The adjacent Alcoa/Adamson development has been held up by sewer problems as well; however, a septic tank system was recently approved for the development. Alcoa has now been able to sell the prepared lots, but the prices vary from $30,000 to $90,000, well outside the financial range of most Pepperdine students or faculty (5).

A proposal for a sewer plan that would have circumvented the necessity of obtaining local voter approval was recently made by some of the major landowners in the Coastal Malibu area. in cooperation with the County Engineer. It was thought that by forming an assessment district of 60% of the landowners, a sewage system could be built and would qualify for state and federal assistance. However, this system (known as 2550 M), while supported by the RWQCB, has been denied grants by the SWRCB and the EPA, and the LVMWD has now been instructed to prepare a sewage master plan for the Malibu Coast. The study is scheduled for completion in late 1975.

Any new proposal that might emerge for the construction of a sewage

system is likely to receive close scrutiny from local residents, who sense that the lack of sewerage is currently the major constraint on development in the area. The State Coastal Commission has expressed concern for the growth inducing impacts of providing public services in the Malibu area, as evidenced by the recent delay in approving the Highway Department's proposal to widen Pacific Coast Highway.

Despite recommending the proposed sewage system, the RWQCB caution in the Los Angeles Basin Plan that it "will encourage urbanization in the Malibu district because it will enable developers to create single and multiple family divisions. Urbanization would both alter the character of the district and upset the native coastal chapparal ecosystem" (4).

Pepperdine's Future

Future development of the campus is largely dependent on the development of an adequate sewage treatment system. The University is included in the General Plan, and the land is appropriately zoned, yet construction has been halted at an awkward stage because a key environmental constraint had been inadequately anticipated (perhaps reflecting a lack of coordination between the RPC and the utilities). In addition, the persistent delays have given time for the local community to build up a significant opposition to any development at all, including housing for Pepperdine students and faculty.

V. 3 MULHOLLAND HIGHWAY (ROADS)

Mulholland Drive (in the City of Los Angeles, extending from Hollywood to Topanga Canyon Boulevard) and Mulholland Highway (in the County of Los Angeles, extending from Topanga Canyon Boulevard to Pacific Coast Highway just south of the Ventura County line) comprise a 53.5 mile roadway traversing the crest of the Santa Monica Mountains. Mulholland thus divides the Malibu Creek Watershed. As development has extended out from

Pacific Coast Highway and the Ventura Freeway, there has been pressure to provide access both to and across the Santa Monica Mountains. A flow-sheet indicating actions affecting Mulholland is provided as figure 7.

Present Development of Mulholland - The present development of the highway varies from unimproved dirt road to two lanes of asphalt paving and dirt shoulders, to the standard of an urban highway with concrete curbs and medians. Many proposals have been advanced for the comprehensive development of the road since the City section was dedicated in 1924, on federal, state, county, city and more local levels. Proposals range from freeway development to designation as a recreation drive connecting a chain of parks and developed only to two lanes with dirt shoulders.

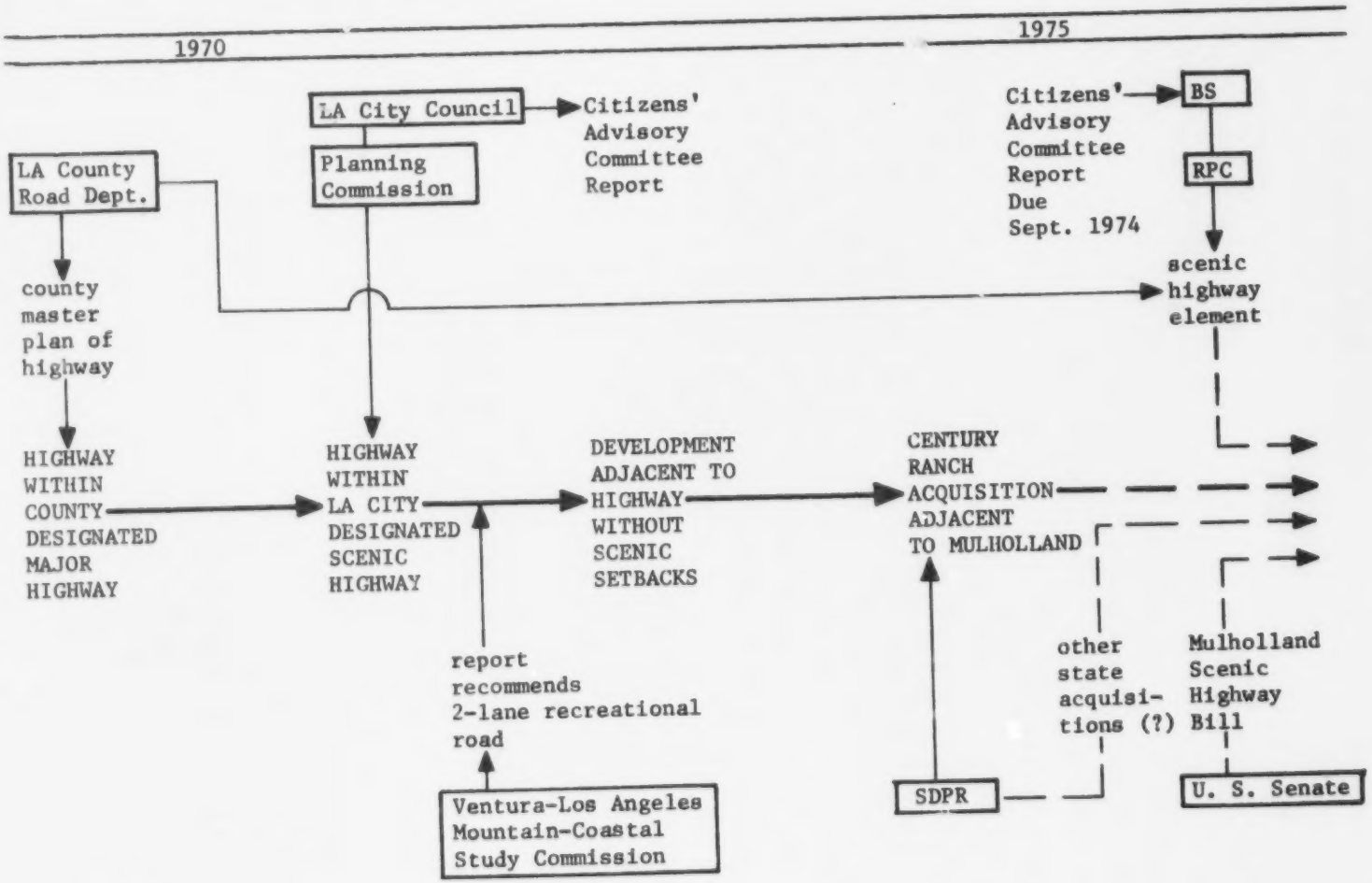
The City of Los Angeles has jurisdiction over the eastern area crossed by Mulholland. Currently, the land around Mulholland is in scattered residential use but some large-scale residential development with extensive grading has been permitted and in the last few months the City has been considering whether or not to allow a hotel complex at Mulholland and Coldwater. The 30 miles of County road to the south and west are also in scattered residential use but maintain a more rural character than the City section (6).

The primary issues concern the width of the road and the protection of a scenic corridor. The Road Departments have taken the position that Mulholland should be developed to whatever extent is dictated by current zoning and projected growth (7); the Recreation Departments think that Mulholland should itself be a recreation resource; the Planning Departments have taken a wait and see approach, leaving the planning function to Citizens' Advisory Committees for the present.

Mulholland as a Scenic Highway

In October, 1971, Mulholland Drive (the City portion) was designated the

Figure 7 Actions Affecting Mulholland Highway



first City Scenic Parkway by the Los Angeles City Council. A Citizens' Advisory Committee, set up to assist in shaping plans, design criteria and standards, recommended that the roadway be two lanes, with no median, with dirt shoulders and no sidewalks. Scenic loops and vista points should be provided but no commercial facilities. They further recommended that the City take steps to secure a scenic corridor or "ribbon park" along the Mulholland Scenic Parkway. In March, 1972, the final report of the Ventura-Los Angeles Mountain and Coastal Study Commission also endorsed this concept for the entire length of Mulholland (8).

The County has moved more slowly. The 1971 Environmental Development Guide designates most of the Santa Monica Mountains for conservation and proposed an unspecified type of improvement for Mulholland for the 1975-1990 period. Mulholland is to be specifically discussed in the Scenic Highways Element of the General Plan, which is currently in preparation. According to the Head of the Environmental Design Section, the plan is being prepared in cooperation with the County Road Department and the County Department of Parks and Recreation. In addition, a Citizens' Advisory Committee was appointed by the Board of Supervisors (BS) in September 1973 to assist in drawing up criteria and guidelines for the development of Mulholland. The committee was patterned after the one set up earlier by the City.

Shortly after the committee was formed, it was asked to prepare interim criteria for the Supervisors to use in guiding zoning decisions prior to completion of the final plan. Although these interim criteria were prepared, a dispute arose as to whether they should be approved by the BS or the Regional Planning Commission (RPC); the County Administrative Officer decided the guidelines should be reviewed by all interested agencies, and the issue was dropped. As a result, for the time being, no policy guides exist for current decision-making; the proposed guidelines are circulating through technical committees, gathering comments, while

the Committee prepares its final statement, due in September 1974 (9, 10).

In the meantime, however, the County Road Department has given a specific classification to Mulholland. Their "Major Parkway" designation denotes a minimum 80 foot right-of-way with four traffic lanes. It appears that Mulholland was designated a Major Parkway in order to allow flexibility in the design, so that it may divide around natural features and the type of curb may vary. According to an engineer in the Road Department (7), the parkway will not be constructed until it is warranted by land development. It is departmental policy to supply road improvements if they are clearly needed, and "need" is determined through traffic counts. Currently, however, anyone developing land along Mulholland is required to build and dedicate a road of Major Parkway proportions, in accord with the County Master Plan of Highways.

A four lane highway, scenic or otherwise, could have significant impact on the development potential of the area around Mullholland. Only a small amount of the area recommended for state park acquisition (11) has as yet been acquired and considerable development could occur under existing zoning. A final plan for Mulholland is not expected from the County for several months; some observers fear that development permitted in the meantime will irrevocably set the pattern for the future and thereby constitute "de facto" planning.

Possible Federal Intervention

As a result of the delays in effective planning at the local level, and in order to avoid possible inconsistencies between City and County plans for Mulholland, Congressman Bell has introduced a bill (HR 11163) which would authorize the Secretary of the Interior to designate the Mulholland National Scenic Parkway, thus turning over responsibility for the coordination of plans and assemblage of land to the federal government.

Considerable funds would be made available for development of the Parkway. It is specified in the legislation that the program would augment and not supersede present City, County, and State programs in the Santa Monica Mountains adjacent to the Parkway; however, it is also specified that the road "would not be designed for heavy traffic use" (12). At the time of writing, the bill has been referred to the Committee on Interior and Insular Affairs.

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SECTION VI

DISCUSSION

This section contains a brief discussion, based on the information presented so far, of the major institutional processes involved in managing the Malibu Watershed environment. It is clear that the processes are very complicated, with many different agencies engaged in inter-related activities; furthermore the situation is a dynamic one with some new controls yet to take full effect, and others being re-assessed in the light of changing events (e.g. the energy "crisis").

The section begins with a summary of the regulatory controls on development, which may ultimately determine whether or not a project can proceed. Next to be discussed is the importance of the availability of services, the presence or lack of which can be significant in determining the rate of development. The discussion then focuses on the role of planning in environmental management, examining first the activities of special-purpose agencies, and then those of local planners. The lack of responsiveness to the public of local planners for the study area is pointed out. Finally, attention is drawn to some other problems not yet included in the discussion.

VI.1 REGULATORY CONTROLS ON DEVELOPMENT

Development projects may be subject to a variety of regulatory controls, involving the granting or withholding of permits.

Building permits - Construction is permitted by the County Engineer's Department only if a set of local requirements (relating to sanitation, fire protection, etc.) are met, and if the use of the land is permitted under zoning. The latter can be changed or a variance granted at the

discretion of the Regional Planning Commission (or on appeal to the Board of Supervisors) although consistency with the General Plan must be maintained.

Coastal Commission permits - Development is permitted within the designated permit zone at the discretion of the South Coast Regional Commission (or on appeal to the State Coastal Zone Conservation Commission). There currently exist only interim planning guidelines; a comprehensive long-range plan is in preparation.

Air quality controls - Certain kinds of development (notably designated parking facilities and other indirect sources) will soon require a permit from the Environmental Protection Agency; the test is whether the development will cause interference with the attainment and maintenance of the national ambient air quality standards.

Indirect controls, in the form of emissions limitations, already apply to stationary sources and are administered by the Air Pollution Control District; variances may be granted by the Air Pollution Hearing Board (subject to revocation by the Air Resources Board).

Water quality controls - Development is controlled indirectly, in that a permit from the Regional Water Quality Control Board is required for certain kinds of discharge.

VI.2 THE AVAILABILITY OF ESSENTIAL SERVICES AS A FACTOR AFFECTING DEVELOPMENT

Without the adequate provision of services such as water supply, sewage treatment, and access roads, permission for development is likely to be withheld. The lack of such services can thus act as an important constraint on development, at least in the short term (e.g. the expansion of Pepperdine University is currently constrained by inadequate sewage treatment facilities). In most cases, however, the suppliers of services state that they simply meet "needs" and that it is not their intent

to be anything but neutral with respect to development.

Nevertheless, in practice, their actions frequently do have implications for development, either constraining or promoting it. Due to long lead times and in order to take advantage of scale economies, it is common when constructing new service facilities to install capacity in excess of that immediately required, in anticipation of possible future needs. Once the extra capacity has been provided, there may be pressures to fully utilize it - in effect, to make the forecasts self-fulfilling - if, for example, the debt will thereby be spread among a large number of people (as is the case with the Las Virgenes sewage treatment system).

It follows that the forecasts on which the provision of services is based can themselves play a significant role in guiding development. Although there is now an attempt in water resources planning to place explicit constraints on forecasts in order to produce consistency with regional plans for improving air quality, so direct an incorporation of environmental considerations is unusual; it is more common for local projections to be based largely on the zoned capacity of the land which, in the study area at least, seems to have been established without much attention being paid to the environmental implications.

VI.3 THE EFFECTS OF PLANNING ON DEVELOPMENT

The Role of the Special-Purpose Agencies

At the present time comprehensive planning remains primarily a function of the local government. However, local planners are increasingly being constrained by requirements imposed at the regional, state, or national levels by special-purpose agencies established to protect a critical resource (e.g. the coastline, the air, the water) or to perform a particular function (e.g. to provide a statewide transportation system). Since the different elements of the environment are inextricably woven together,

it is inevitable that the plans drawn up by the special-purpose agencies should have over-lapping spheres of influence; in practice, for example, they all have implications for land-use. Indeed, in the absence of any effective comprehensive planning process beyond that at the local level, some of the special-purpose agencies are finding themselves taking on a de facto land-use planning role; this is especially true of the agencies preparing the transportation plan (as transportation is such a key factor in determining land-use).

It is of course questionable as to whether this role is appropriate (whether or not it is even desired by the agencies concerned). A major problem is that no mechanism exists to establish priorities between the objectives of the different agencies so that trade-offs can be made when conflicts arise. Some measures serve more than one objective (e.g. the preservation of open space to enhance the coastline may prove beneficial to air quality) but others are conflicting (e.g. the construction of a new road to serve the transportation system may generate air and water pollution). There is no means to ensure effective coordination between the plans; for example, although the Federal Water Pollution Control Act calls for inter-governmental cooperation, it does not require that the state water agency consider other plans. As a result, it seems almost inevitable that, when all the plans are completed, they will be found to contain important inconsistencies. How these will be resolved is yet to be seen.

The Role of Local Planners

Although constraints are increasingly being imposed by special-purpose agencies to safeguard particular elements of the environment (such as air and water quality), local planners are still left with a great deal of discretion in guiding development and its attendant environmental impacts. Only the Coastal Commission has discretionary powers of control

over development comparable to those exercised by the Regional Planning Commission (or ultimately the Board of Supervisors), and the former's jurisdiction is limited to a small geographical area.

The actions of local planners can have far-reaching consequences for the environment. They are in effect the principal guardians of many elements that are not specifically protected by special-purpose controls; for example, in designating permitted land-uses, they play a key role in determining whether wildlife habitats are likely to be preserved, and whether development will take place in areas prone to serious erosion and sedimentation. In establishing the zoned capacity of the land, they signal to other agencies the "need" for new sewage treatment plants, flood control projects, roads, etc., all of which generate further impacts on the environment.

Furthermore, they have control over many "small" developments whose individual impacts may seem insignificant (and may not be covered by special-purpose controls) but whose cumulative impact could be major. The establishment of precedents can be crucial in this context; for example, the granting of permission to build a single hotel adjacent to Mulholland Highway might in itself have a minor effect, but it could initiate a pattern of development that would ultimately transform the environment of a large part of the Santa Monica Mountains.

VI.4 THE RESPONSIVENESS OF LOCAL PLANNERS

In view of the crucial importance of their discretionary powers, it is arguable that local planners should be especially responsive to the public whom they "serve". Indeed, a major argument against federal, state, or even regional intervention in planning generally is that planners at these levels are too distant from the people most affected by the plans. However, the responsiveness of local planners for the study area has historically been very poor. The Regional Planning Commission is appointed by the Board of Supervisors, and Commissioners can serve indefinitely;

there is no direct accountability to the public.

The Board of Supervisors of Los Angeles County has long been criticized for its failure to provide truly representative government. The Board, which has just five members, has the exclusive right and duty subject only to constitutional and statutory restrictions to formulate the policies and promulgate the laws that will guide and determine the future growth and development of the county (1). The organizational structure of county government in Los Angeles has remained substantially unaltered for over 60 years even though the breadth and importance of the decisions being made have increased significantly.

An Ad Hoc Committee of the Los Angeles County Grand Jury concluded in its Final Report for 1973 that:

(i) County government is not as responsive to the people as it should be, for many and varied reasons.

(ii) Small county government where everyone knows his Supervisor is different from government in a large county where each Supervisor is expected to represent 1,500,000 people in both legislative and executive functions.

(iii) The people of Los Angeles County need a system which will separate the executive and the legislative branches of government and provide checks and balances.

(iv) An untenable situation exists when the Board of Supervisors has the sole power to determine whether or not voters have the opportunity to decide on issues (such as having an elected Chief Executive).

(v) The State Legislature should make it possible for any county in California over a certain size to have an elected Chief Executive so the people may vote on the issue without having to wrest the right to obtain such a referendum from the Supervisors in office.

(vi) The Board of Supervisors should be enlarged to minimize opportunities for one or two Supervisors to obstruct the wheels of government, to make it less possible for them to influence the Board, and to broaden the representation of the people. The awesome power of the Supervisors seems dedicated to retaining the status quo.

A large part of the study area falls within the 5th Supervisorial District which also includes the North County area (Simi Valley, Antelope Valley, Saugus-Newhall) and the foothill communities north of the San Gabriel Valley (see map, page 85). This is a vast area containing a wide diversity of social and ecological communities. Citizen access to the Supervisor is inevitably very limited. On some issues, the advice and suggestions of specially-appointed Citizens' Advisory Committees are sought by the Board, but there is no way for these committees to ensure that their recommendations are given due weight in the decision making process.

VI.5 SOME OTHER PROBLEMS IDENTIFIED IN THE STUDY

Attention will be drawn here to two further problems relating to current environmental management procedures, not yet mentioned in the discussion.

Local agency coordination - The first problem concerns the lack of coordination between the different local agencies responsible for administering regulations regarding sanitation, fire protection, etc. It is evident from the experience of Pepperdine University that several agencies are unaware of each other's requirements (and occasionally, one suspects, even their own). Furthermore, it would appear that the procedure for checking that all requirements are met before construction is permitted does not always perform adequately.

Environmental management in transition - The second problem arises

because much of the current legislation affecting the environment has been passed only recently, and it takes a significant amount of time for plans to be prepared and controls implemented. Furthermore, delays may be caused deliberately by those wishing to avoid anticipated controls. At present, parts of the General Plan have not yet been adopted (and other parts are being challenged in court); the Coastal Plan is still in preparation; although an EPA- prepared plan for implementing the Clean Air standards is currently in force, it is likely to be superseded by a modified version of the plan produced by the state; the Water Quality Control Plan (Basin Plan) for Los Angeles already exists, but as yet no work has begun on preparing an areawide waste management plan; and the State Transportation Plan is still being prepared.

In this transitional situation, decisions are being made that could have a profound effect on the future environment, even though the decision-makers lack the benefit of a long-term perspective. The Coastal Commissions, for example, have made most of their decisions so far on an *ad hoc* basis, without even interim guidelines from which to work. The danger clearly exists that actions taken now could seriously prejudice the future effectiveness of the plans once adopted. As an extreme example, it is possible that by the time that plans for Mulholland are finally settled and assuming that it is designated a scenic highway, there may be no scenes left worth preserving!

VI.6 REFERENCE

1. Final Report of Ad Hoc Committee on Governmental Organization. Los Angeles County Grand Jury. 1973.

SECTION VII

GLOSSARY OF ABBREVIATIONS

APCD	Air Pollution Control District
ARB	Air Resources Board
BS	Board of Supervisors
CDPR	County Department of Parks & Recreation
CLIPI	Center for Law in the Public Interest
CPC	Citizens' Planning Council
EDG	Environmental Development Guide
EIR	Environmental Impact Report
EIS	Environmental Impact Statement
EPA	Environmental Protection Agency
FHA	Federal Highway Administration
FWPCA	Federal Water Pollution Control Act
GPPRB	General Plan Policy Review Board
HUD	Department of Housing & Urban Development
LAAPCD	Los Angeles Air Pollution Control District
LACFCD	Los Angeles County Flood Control District
LAFCO	Local Agency Formation Commission
LVMWD	Las Virgenes Municipal Water District

RPC	Regional Planning Commission
RWQCB	Regional Water Quality Control Board
SCAB	South Coast Air Basin
SCAG	Southern California Association of Governments
SCMWD	Metropolitan Water District of Southern California
SCRC	South Coast Regional Commission
SCS	Soil Conservation Service
SCZCC	State Coastal Zone Conservation Commission
SDPR	State Department of Parks & Recreation
SWRCB	State Water Resources Control Board
TCSD	Triunfo County Sanitation District
TLVRCD	Topanga-Las Virgenes Resource Conservation District
UMTA	Urban Mass Transportation Administration

SECTION VIII

APPENDICES

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APPENDIX A

BRIEF DESCRIPTION OF SELECTED GOVERNMENT AGENCIES

A.1. FEDERAL AGENCIES

Department of Agriculture: Soil Conservation Service

The Department of Agriculture, through the Soil Conservation Service (SCS), "has responsibility for developing and carrying out a national soil and water conservation program in cooperation with landowners and operators and other land users and developers, with community planning agencies and regional resource groups, and with other agencies of government - Federal, State, and local. The SCS also assists in agricultural pollution control, environmental improvement, and rural community development.

The soil and water conservation program is carried on through technical help to locally organized and operated conservation districts; local sponsors of watershed protection projects and resource conservation and development projects; and consultive assistance to other individuals and groups" (1).

Department of Housing and Urban Development

"The overall purpose of the Department of Housing and Urban Development (HUD) is to assist in providing for sound development of the Nation's communities and metropolitan areas" (1). The Department's activities include the provision of Comprehensive Planning Assistance. "HUD assists State and local governments and areawide organizations in dealing with community development and growth for urban and rural areas; provides grant assistance to State and local governments and areawide multi-

jurisdictional organizations to encourage State, local and area-wide officials to improve executive planning, decision making, and management capability; encourages community planning and management as a continuous process" (1).

Department of the Interior

"The jurisdiction of the Department of the Interior includes...the conservation and development of mineral and water resources...the conservation, development, and utilization of fish and wildlife resources... the coordination of Federal and State recreation programs" (1).

Within the Department of the Interior, the Bureau of Outdoor Recreation has the responsibility of assuring prompt and effective action at all levels of government in coordinating, planning, and financing public outdoor recreation; it also encourages and assists all governmental and private interests to conserve, develop, and utilize outdoor recreation resources for the benefit and enjoyment of present and future generations (1).

Department of Transportation

"The Department of Transportation was created for the purposes of developing national policies and programs to achieve safe, efficient, economical, convenient and integrated transportation, with due regard for the Nation's environment and national defense" (1). Activities of the Department include developing transportation policy, protecting and improving the environment, and developing improved transportation systems.

The Federal Highway Administration (FHA) and the Urban Mass Transportation Administration (UMTA) are part of the Department of Transportation. The FHA carries out the Department's highway transportation programs, including the federal-aid program of financial assistance to the States for

highway construction. The missions of UMTA are "to assist in the development of improved mass transportation faciiities, equipment, techniques, methods; to encourage the planning and establishment of area-wide urban mass transportation systems; and to provide state and local governments with help in financing such systems" (1).

Environmental Protection Agency

"The Environmental Protection Agency was created to permit coordinated and effective governmental action on behalf of the environment. EPA endeavors to abate and control pollution systematically, by proper integration of a variety of research, monitoring, standard setting, and enforcement activities. As a complement to its other activities, EPA coordinates and supports research and anti-pollution activities by State and local governments, private and public groups, individuals, and educational institutions. EPA also reinforces efforts among other Federal agencies with respect to the impact of their operations on the environment, and it is specifically charged with making public its written comments on environmental impact statements and with publishing its determinations when those hold that a proposal is unsatisfactory from the standpoint of public health or welfare or environmental quality. In all, EPA is designed to serve as the public's advocate for a livable environment" (1).

A.2. STATE AGENCIES

Air Resources Board

The Air Resources Board (ARB) "is responsible for the quality of air breathed by Californians and attempts to combat air pollution on a statewide level. It sets standards for control of vehicle pollution and tests systems to be applied to trucks, buses, and autos. Stationary sources of pollution are also scrutinized. The Board sets standards of air quality

in each of the state's air basins and records sources of air pollution in these basins. It also conducts studies to ascertain the effect of air pollution on humans" (2). The ARB currently has five members, all of whom are appointed by the Governor and serve "at his pleasure."

California Coastal Zone Conservation Commission

The State Coastal Zone Conservation Commission was established for a four-year period with the passage of Proposition 20 (California Coastal Zone Conservation Act) in November, 1972. The Commission is charged with preparing a comprehensive, coordinated, enforceable plan to preserve, protect and, where possible, restore the resources of the coastal zone. The Commission has permit power in the coastal zone area (subject to specified exceptions) between the seaward limits of state jurisdiction and 1,000 yards landward from the mean high tide line. The planning area extends to the crest of the closest coastal mountain or five miles inland, whichever is closest (3).

The law called for the creation of six Regional Commissions (q.v.) to implement the provisions within their region. Since the establishment of the Regional Commissions, over which it has appellate power, the State Commission has taken on a reviewing and coordination function.

Department of Finance

"The Department of Finance is in charge of State Fiscal policies, including the development and presentation of a State budget, financial auditing and program compliance by the specific State departments" (2). It regularly develops and publishes population projections for the State.

Department of Fish and Game

The Department of Fish and Game "has responsibility for protection, preservation, propogation, and enhancement of California's wildlife resources

(birds, fish, mammals, mollusks, crustaceans, and amphibia); enforces laws and regulations and issues licenses; cooperates with and aids local and other governmental agencies in acquiring and developing projects for recreation and conservation" (2).

Department of Parks and Recreation

The Department of Parks and Recreation, under policy direction of the State Park and Recreation Commission, is responsible for the acquisition, development and operation of the state park system, and the administration of grants for recreation to local government (4).

Department of Transportation

Created by AB 69 in 1972, the California Department of Transportation (Caltrans) is intended "to provide the institutional repository and stimulus for a balanced, multi-modal system" (5). Caltrans has six internal divisions, one each responsible for highways, mass transportation, transportation planning, aeronautics, legal services, and administrative services.

Department of Water Resources

"The Department of Water Resources is charged with the administration, development, conservation, control, and utilization of California's vital water resources...It has responsibility for planning, constructing, and operating the State water projects. It is also concerned with flood control, water quality, production of hydro-electrical energy, safety of dams, underground water, runoff forecasts, drainage, and many other problems" (2).

Transportation Board

The State Transportation Board, given an expanded and independent role

by AB 69 in 1972, is intended to "advise and assist the Legislature and Business and Transportation Agency in formulating and evaluating state transportation policy and plans" (5). Its responsibilities include financial review, planning review, and adoption of the State Transportation Plan prior to its submission to the Legislature.

Water Resources Control Board

The State Water Resources Control Board (SWRCB) has a legislative mandate to exercise the adjudicatory and regulatory functions of the State in the field of water resources. It is the designated water pollution control agency for all purposes stated in the Federal Water Pollution Control Act (FWPCA). It functions through nine regional boards (q.v.) over which it has supervisorial and appellate jurisdiction. In addition, its duties include administration of statewide programs of research into technical aspects of water quality control, coordination of water-related investigations conducted by other state agencies, adoption of regulations regarding the use of chemicals in cleaning up oil spills, regulation of liquid waste transportation and disposal, and administration of all Clean Water Grant Programs. The SWRCB is composed of five full-time members appointed by the Governor for four-year terms (6).

A.3. REGIONAL AGENCIES

South Coast Commission (Los Angeles and Orange Counties)

The South Coast Regional Commission (SCRC) is one of six regional commissions formed to implement the provisions of the California Coastal Zone Conservation Act, 1972. The SCRC issues permits for development within the coastal zone (subject to appeal to the State Commission) and is responsible for preparing recommendations for incorporation into the statewide plan (7).

Regional Water Quality Control Board (Los Angeles)

The Regional Water Quality Control Board (RWQCB) in Los Angeles is one of nine such boards, each of which is responsible for the formation and adoption of a water quality control plan within its region, and for implementation of the plan through adoption of waste discharge requirements (6).

Southern California Association of Governments

The Southern California Association of Governments (SCAG) was formed under a Joint Powers Agreement as a coordinating governmental body for the six county Southern California region. Membership of cities and counties in SCAG is voluntary. The principal function of SCAG's staff is the preparation of plans for matters of regional importance. Members do not, however, have to comply with the plans. SCAG does have review authority over applications of member governments for Federal or State funding for selected grant programs (notably in transportation).

The Executive Committee of SCAG consists of one Supervisor from each county and one representative from each city except Los Angeles which has three representatives. SCAG is financed through the federal Urban Planning Assistance Grant Program which offers funds for urban planning to regional planning agencies on a 2/3, 1/3 basis; in addition it receives membership dues paid by the cities and counties (8).

A.4. LOCAL AGENCIES - LOS ANGELES COUNTY

Air Pollution Control District

The Los Angeles Air Pollution Control District (LAAPCD) "develops and enforces measures to control air contaminating emissions from stationary sources; administers air monitoring, research, source testing, instruments and methods development, meteorological and control engineering

services in support of this basic mission; performs air monitoring projects for State and Federal agencies; provides atmospheric radio-logical monitoring and protection services to the County of Los Angeles" (2). The Evaluation and Planning Division "is the 'think tank' section of the District that translates scientific and engineering facts into terms that will assist policy and determine action; provides work in air quality analysis, studies trends of atmospheric pollution; provides technical assistance to other agencies" (2).

In California, local air pollution control districts are primarily responsible for stationary source control, while the State Air Resources Board has the main responsibility for controlling motor vehicle emissions.

Board of Supervisors

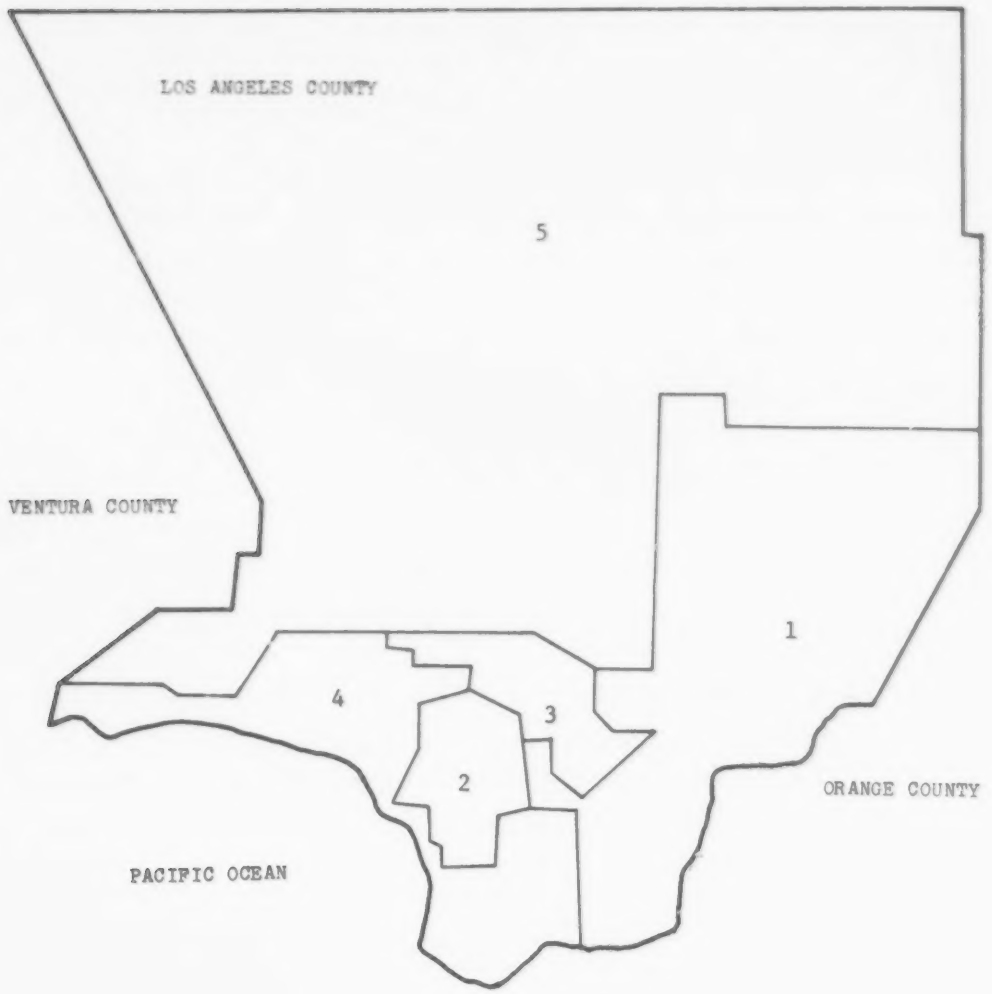
The County Board of Supervisors (BS) "serves as the governing body of the County and many special districts, including Flood Control, Air Pollution Control and Fire Protection Districts; enacts ordinances and rules; determines County and special district policies; supervises activities of the Chief Administrative Officer, County departments and special districts; adopts annual budgets; fixed salaries" (2). The Board is composed of 5 members, one from each of the five districts of the County (see Figure A1). The members serve 4-year staggered terms; they may be elected to an indefinite number of consecutive terms.

Department of County Engineer

"The County Engineer performs engineering services in the unincorporated areas of the County and in contract cities as directed by the Board of Supervisors. The major responsibilities of the Department include the design and supervision of the construction of County-owned facilities, plan checking and inspection of private construction, sewer and

Figure AI

Districts of the Board of Supervisors, Los Angeles County



storm drain design, industrial waste, plan checking and inspection, sewer maintenance, mapping, survey services for all County departments, administration of County Waterworks Districts and allocation of assessments for local improvements. The County Engineer is also Director of Aviation for the County" (2).

Department of the Forester and Fire Warden

As part of its duties, the Fire Prevention Division "performs fire and life safety inspections in most occupancies including places of public assembly and institutions; sets requirements and checks plans for water storage facilities, hydrants, fire protection and life safety systems" (2).

Department of Health Services

The Environmental Management Program of the Department of Health Services "is responsible for the enforcement of public health laws relating to environmental health. An essential task is the control and prevention of environmental disease in the population and the maintenance of an environment free from pests and of nuisances. The program contains a section of General Services, Specialized Services, Program and Training Services, Dairy Services, and an Entomology Consultant" (2).

Included in the Specialized Services are (i) the Cross Connection and Water Pollution Control Section which "investigates and approves permits for the disposal of industrial wastes where such wastes are not carried away by public sewers; conducts connection surveys in industrial plants and commercial buildings to ensure that no dangerous connections exist which could lead to the introduction of toxic chemicals or sewage into the domestic water system;" (ii) the Mountain and Rural Sanitation Section which is "responsible for the environmental health functions in the